

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1402

1 AN ACT

2 To repeal sections 21.795, 70.441, 142.932, 144.030,  
 3 226.500, 301.010, 301.032, 301.069, 301.140, 301.218,  
 4 301.260, 301.280, 301.559, 301.560, 301.562, 301.567,  
 5 301.570, 301.600, 302.010, 302.060, 302.130, 302.309,  
 6 302.341, 302.530, 302.700, 303.200, 304.120, 304.190,  
 7 306.127, 306.400, 307.365, 387.040, 387.050, 387.080,  
 8 387.110, 387.207, 390.051, 390.061, 390.063, 390.116,  
 9 390.201, 390.280, 544.046, and 643.320, RSMo, and to  
 10 enact in lieu thereof fifty-four new sections relating  
 11 to transportation, with penalty provisions, an  
 12 effective date for a certain section and an emergency  
 13 clause for certain sections.

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
 15 AS FOLLOWS:

16 Section A. Sections 21.795, 70.441, 142.932, 144.030,  
 17 226.500, 301.010, 301.032, 301.069, 301.140, 301.218, 301.260,  
 18 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 301.600,  
 19 302.010, 302.060, 302.130, 302.309, 302.341, 302.530, 302.700,  
 20 303.200, 304.120, 304.190, 306.127, 306.400, 307.365, 387.040,  
 21 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.063,  
 22 390.116, 390.201, 390.280, 544.046, and 643.320, RSMo, are

1 repealed and fifty-four new sections enacted in lieu thereof, to  
2 be known as sections 21.795, 70.441, 142.932, 144.030, 226.500,  
3 226.541, 301.010, 301.032, 301.069, 301.140, 301.216, 301.218,  
4 301.260, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570,  
5 301.580, 301.600, 302.010, 302.060, 302.130, 302.309, 302.341,  
6 302.530, 302.700, 302.768, 303.200, 304.033, 304.120, 304.190,  
7 304.289, 306.127, 306.400, 307.365, 387.040, 387.050, 387.080,  
8 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054,  
9 390.061, 390.063, 390.116, 390.201, 390.280, 544.046, and  
10 643.320, to read as follows:

11 21.795. 1. There is established a permanent joint  
12 committee of the general assembly to be known as the "Joint  
13 Committee on Transportation Oversight" to be composed of seven  
14 members of the standing transportation committees of both the  
15 senate and the house of representatives and three nonvoting ex  
16 officio members. Of the fourteen members to be appointed to the  
17 joint committee, the seven senate members of the joint committee  
18 shall be appointed by the president pro tem of the senate and  
19 minority leader of the senate and the seven house members shall  
20 be appointed by the speaker of the house of representatives and  
21 the minority floor leader of the house of representatives. The  
22 seven senate members shall be composed, as nearly as may be, of  
23 majority and minority party members in the same proportion as the  
24 number of majority and minority party members in the senate bears  
25 to the total membership of the senate. No major party shall be  
26 represented by more than four members from the house of  
27 representatives [nor more than four members from the senate].  
28 The ex officio members shall be the state auditor, the director

1 of the oversight division of the committee on legislative  
2 research, and the commissioner of the office of administration or  
3 the designee of such auditor, director or commissioner. The  
4 joint committee shall be chaired jointly by both chairs of the  
5 senate and house transportation committees. A majority of the  
6 committee shall constitute a quorum, but the concurrence of a  
7 majority of the members, other than the ex officio members, shall  
8 be required for the determination of any matter within the  
9 committee's duties.

10 2. The department of transportation shall submit a written  
11 report prior to ~~[November tenth]~~ December thirty-first of each  
12 year to the governor[, ] and the lieutenant governor[, and every  
13 member of the senate and house of representatives]. The report  
14 shall be posted to the department's Internet website so that  
15 general assembly members may elect to access a copy of the report  
16 electronically. The written report shall contain the following:

17 (1) A comprehensive financial report of all funds for the  
18 preceding state fiscal year which shall include a report by  
19 independent certified public accountants, selected by the  
20 commissioner of the office of administration, attesting that the  
21 financial statements present fairly the financial position of the  
22 department in conformity with generally accepted government  
23 accounting principles. This report shall include amounts of:

24 (a) State revenues by sources, including all new state  
25 revenue derived from highway users which results from action of  
26 the general assembly or voter-approved measures taken after  
27 August 28, 2003, and projects funded in whole or in part from  
28 such new state revenue, and amounts of federal revenues by

1 source;

2 (b) Any other revenues available to the department by  
3 source;

4 (c) Funds appropriated, the amount the department has  
5 budgeted and expended for the following: contracts, right-of-way  
6 purchases, preliminary and construction engineering, maintenance  
7 operations and administration;

8 (d) Total state and federal revenue compared to the revenue  
9 estimate in the fifteen-year highway plan as adopted in 1992.

10 All expenditures made by, or on behalf of, the department for  
11 personal services including fringe benefits, all categories of  
12 expense and equipment, real estate and capital improvements shall  
13 be assigned to the categories listed in this subdivision in  
14 conformity with generally accepted government accounting  
15 principles;

16 (2) A detailed explanation of the methods or criteria  
17 employed to select construction projects, including a listing of  
18 any new or reprioritized projects not mentioned in a previous  
19 report, and an explanation as to how the new or reprioritized  
20 projects meet the selection methods or criteria;

21 (3) The proposed allocation and expenditure of moneys and  
22 the proposed work plan for the current fiscal year, at least the  
23 next four years, and for any period of time expressed in any  
24 public transportation plan approved by either the general  
25 assembly or by the voters of Missouri. This proposed allocation  
26 and expenditure of moneys shall include the amounts of proposed  
27 allocation and expenditure of moneys in each of the categories  
28 listed in subdivision (1) of this subsection;

1           (4) The amounts which were planned, estimated and expended  
2 for projects in the state highway and bridge construction program  
3 or any other projects relating to other modes of transportation  
4 in the preceding state fiscal year and amounts which have been  
5 planned, estimated or expended by project for construction work  
6 in progress;

7           (5) The current status as to completion, by project, of the  
8 fifteen-year road and bridge program adopted in 1992. The first  
9 written report submitted pursuant to this section shall include  
10 the original cost estimate, updated estimate and final completed  
11 cost by project. Each written report submitted thereafter shall  
12 include the cost estimate at the time the project was placed on  
13 the most recent five-year highway and bridge construction plan  
14 and the final completed cost by project;

15           (6) The reasons for cost increases or decreases exceeding  
16 five million dollars or ten percent relative to cost estimates  
17 and final completed costs for projects in the state highway and  
18 bridge construction program or any other projects relating to  
19 other modes of transportation completed in the preceding state  
20 fiscal year. Cost increases or decreases shall be determined by  
21 comparing the cost estimate at the time the project was placed on  
22 the most recent five-year highway and bridge construction plan  
23 and the final completed cost by project. The reasons shall  
24 include the amounts resulting from inflation, department-wide  
25 design changes, changes in project scope, federal mandates, or  
26 other factors;

27           (7) Specific recommendations for any statutory or  
28 regulatory changes necessary for the efficient and effective

1 operation of the department;

2 (8) An accounting of the total amount of state, federal and  
3 earmarked federal highway funds expended in each district of the  
4 department of transportation; and

5 (9) Any further information specifically requested by the  
6 joint committee on transportation oversight.

7 3. Prior to ~~December first~~ February fifteenth of each  
8 year, the committee shall hold an annual meeting and call before  
9 its members, officials or employees of the state Highways and  
10 Transportation Commission or department of transportation, as  
11 determined by the committee, for the sole purpose of receiving  
12 and examining the report required pursuant to subsection 2 of  
13 this section. The committee shall not have the power to modify  
14 projects or priorities of the state Highways and Transportation  
15 Commission or department of transportation. The committee may  
16 make recommendations to the state Highways and Transportation  
17 Commission or the department of transportation. Disposition of  
18 those recommendations shall be reported by the commission or the  
19 department to the joint committee on transportation oversight.

20 4. In addition to the annual meeting required by subsection  
21 3 of this section, the committee shall meet two times each year.  
22 The co-chairs of the committee shall establish an agenda for each  
23 meeting that may include, but not be limited to, the following  
24 items to be discussed with the committee members throughout the  
25 year during the scheduled meeting:

26 (1) Presentation of a prioritized plan for all modes of  
27 transportation;

28 (2) Discussion of department efficiencies and expenditure

1 of cost-savings within the department;

2 (3) Presentation of a status report on department of  
3 transportation revenues and expenditures, including a detailed  
4 summary of projects funded by new state revenue as provided in  
5 paragraph (a) of subdivision (1) of subsection 2 of this section;  
6 and

7 (4) Implementation of any actions as may be deemed  
8 necessary by the committee as authorized by law. The co-chairs  
9 of the committee may call special meetings of the committee with  
10 ten days' notice to the members of the committee, the director of  
11 the department of transportation, and the department of  
12 transportation.

13 5. The committee shall also review all applications for the  
14 development of specialty plates submitted to it by the department  
15 of revenue. The committee shall approve such application by a  
16 majority vote. The committee shall approve any application  
17 unless the committee receives:

18 (1) A signed petition from five house members or two  
19 senators that they are opposed to the approval of the proposed  
20 license plate and the reason for such opposition;

21 (2) Notification that the organization seeking  
22 authorization to establish a new specialty license plate has not  
23 met all the requirements of section 301.3150;

24 (3) A proposed new specialty license plate containing  
25 objectionable language or design;

26 (4) A proposed license plate not meeting the requirements  
27 of any reason promulgated by rule. The committee shall notify  
28 the director of the department of revenue upon approval or denial

1 of an application for the development of a specialty plate.

2 6. The committee shall submit records of its meetings to  
3 the secretary of the senate and the chief clerk of the house of  
4 representatives in accordance with sections 610.020 and 610.023.

5 70.441. 1. As used in this section, the following terms  
6 have the following meanings:

7 (1) "Agency", the bi-state development agency created by  
8 compact under section 70.370;

9 (2) "Conveyance" includes bus, paratransit vehicle, rapid  
10 transit car or train, locomotive, or other vehicle used or held  
11 for use by the agency as a means of transportation of passengers;

12 (3) "Facilities" includes all property and equipment,  
13 including, without limitation, rights-of-way and related  
14 trackage, rails, signals, power, fuel, communication and  
15 ventilation systems, power plants, stations, terminals, signage,  
16 storage yards, depots, repair and maintenance shops, yards,  
17 offices, parking lots and other real estate or personal property  
18 used or held for or incidental to the operation, rehabilitation  
19 or improvement of any public mass transportation system of the  
20 agency;

21 (4) "Person", any individual, firm, copartnership,  
22 corporation, association or company; and

23 (5) "Sound production device" includes, but is not limited  
24 to, any radio receiver, phonograph, television receiver, musical  
25 instrument, tape recorder, cassette player, speaker device and  
26 any sound amplifier.

27 2. In interpreting or applying this section, the following  
28 provisions shall apply:



1           (1) Any act otherwise prohibited by this section is lawful  
2 if specifically authorized by agreement, permit, license or other  
3 writing duly signed by an authorized officer of the agency or if  
4 performed by an officer, employee or designated agent of the  
5 agency acting within the scope of his or her employment or  
6 agency;

7           (2) Rules shall apply with equal force to any person  
8 assisting, aiding or abetting another, including a minor, in any  
9 of the acts prohibited by the rules or assisting, aiding or  
10 abetting another in the avoidance of any of the requirements of  
11 the rules; and

12           (3) The singular shall mean and include the plural; the  
13 masculine gender shall mean the feminine and the neuter genders;  
14 and vice versa.

15           3. (1) No person shall use or enter upon the light rail  
16 conveyances of the agency without payment of the fare or other  
17 lawful charges established by the agency. Any person on any such  
18 conveyance must have properly validated fare media in his  
19 possession. This ticket must be valid to or from the station the  
20 passenger is using, and must have been used for entry for the  
21 trip then being taken;

22           (2) No person shall use any token, pass, badge, ticket,  
23 document, transfer, card or fare media to gain entry to the  
24 facilities or conveyances of, or make use of the services of, the  
25 agency, except as provided, authorized or sold by the agency and  
26 in accordance with any restriction on the use thereof imposed by  
27 the agency;

28           (3) No person shall enter upon parking lots designated by

1 the agency as requiring payment to enter, either by electronic  
2 gate or parking meters, where the cost of such parking fee is  
3 visibly displayed at each location, without payment of such fees  
4 or other lawful charges established by the agency;

5 (4) Except for employees of the agency acting within the  
6 scope of their employment, no person shall sell, provide, copy,  
7 reproduce or produce, or create any version of any token, pass,  
8 badge, ticket, document, transfer, card or any other fare media  
9 or otherwise authorize access to or use of the facilities,  
10 conveyances or services of the agency without the written  
11 permission of an authorized representative of the agency;

12 (5) No person shall put or attempt to put any paper,  
13 article, instrument or item, other than a token, ticket, badge,  
14 coin, fare card, pass, transfer or other access authorization or  
15 other fare media issued by the agency and valid for the place,  
16 time and manner in which used, into any fare box, pass reader,  
17 ticket vending machine, parking meter, parking gate or other fare  
18 collection instrument, receptacle, device, machine or location;

19 (6) Tokens, tickets, fare cards, badges, passes, transfers  
20 or other fare media that have been forged, counterfeited,  
21 imitated, altered or improperly transferred or that have been  
22 used in a manner inconsistent with this section shall be  
23 confiscated;

24 (7) No person may perform any act which would interfere  
25 with the provision of transit service or obstruct the flow of  
26 traffic on facilities or conveyances or which would in any way  
27 interfere or tend to interfere with the safe and efficient  
28 operation of the facilities or conveyances of the agency;

1           (8) All persons on or in any facility or conveyance of the  
2 agency shall:

3           (a) Comply with all lawful orders and directives of any  
4 agency employee acting within the scope of his employment;

5           (b) Obey any instructions on notices or signs duly posted  
6 on any agency facility or conveyance; and

7           (c) Provide accurate, complete and true information or  
8 documents requested by agency personnel acting within the scope  
9 of their employment and otherwise in accordance with law;

10          (9) No person shall falsely represent himself or herself as  
11 an agent, employee or representative of the agency;

12          (10) No person on or in any facility or conveyance shall:

13           (a) Litter, dump garbage, liquids or other matter, or  
14 create a nuisance, hazard or unsanitary condition, including, but  
15 not limited to, spitting and urinating, except in facilities  
16 provided;

17           (b) Drink any alcoholic beverage or possess any opened or  
18 unsealed container of alcoholic beverage, except on premises duly  
19 licensed for the sale of alcoholic beverages, such as bars and  
20 restaurants;

21           (c) Enter or remain in any facility or conveyance while his  
22 ability to function safely in the environment of the agency  
23 transit system is impaired by the consumption of alcohol or by  
24 the taking of any drug;

25           (d) Loiter or stay on any facility of the agency;

26           (e) Consume foods or liquids of any kind, except in those  
27 areas specifically authorized by the agency;

28           (f) Smoke or carry an open flame or lighted match, cigar,

1 cigarette, pipe or torch, except in those areas or locations  
2 specifically authorized by the agency; or

3 (g) Throw or cause to be propelled any stone, projectile or  
4 other article at, from, upon or in a facility or conveyance;

5 (11) No weapon or other instrument intended for use as a  
6 weapon may be carried in or on any facility or conveyance, except  
7 for law enforcement personnel. For the purposes hereof, a weapon  
8 shall include, but not be limited to, a firearm, switchblade  
9 knife, sword, or any instrument of any kind known as blackjack,  
10 billy club, club, sandbag, metal knuckles, leather bands studded  
11 with metal, wood impregnated with metal filings or razor blades;  
12 except that this subdivision shall not apply to a rifle or  
13 shotgun which is unloaded and carried in any enclosed case, box  
14 or other container which completely conceals the item from view  
15 and identification as a weapon;

16 (12) No explosives, flammable liquids, acids, fireworks or  
17 other highly combustible materials or radioactive materials may  
18 be carried on or in any facility or conveyance, except as  
19 authorized by the agency;

20 (13) No person, except as specifically authorized by the  
21 agency, shall enter or attempt to enter into any area not open to  
22 the public, including, but not limited to, motorman's cabs,  
23 conductor's cabs, bus operator's seat location, closed-off areas,  
24 mechanical or equipment rooms, concession stands, storage areas,  
25 interior rooms, tracks, roadbeds, tunnels, plants, shops, barns,  
26 train yards, garages, depots or any area marked with a sign  
27 restricting access or indicating a dangerous environment;

28 (14) No person may ride on the roof, the platform between

1 rapid transit cars, or on any other area outside any rapid  
2 transit car or bus or other conveyance operated by the agency;

3 (15) No person shall extend his hand, arm, leg, head or  
4 other part of his or her person or extend any item, article or  
5 other substance outside of the window or door of a moving rapid  
6 transit car, bus or other conveyance operated by the agency;

7 (16) No person shall enter or leave a rapid transit car,  
8 bus or other conveyance operated by the agency except through the  
9 entrances and exits provided for that purpose;

10 (17) No animals may be taken on or into any conveyance or  
11 facility except the following:

12 (a) An animal enclosed in a container, accompanied by the  
13 passenger and carried in a manner which does not annoy other  
14 passengers; and

15 (b) Working dogs for law enforcement agencies, agency dogs  
16 on duty, dogs properly harnessed and accompanying blind or  
17 hearing-impaired persons to aid such persons, or dogs  
18 accompanying trainers carrying a certificate of identification  
19 issued by a dog school;

20 (18) No vehicle shall be operated carelessly, or  
21 negligently, or in disregard of the rights or safety of others or  
22 without due caution and circumspection, or at a speed in such a  
23 manner as to be likely to endanger persons or property on  
24 facilities of the agency. The speed limit on parking lots and  
25 access roads shall be posted as fifteen miles per hour unless  
26 otherwise designated.

27 4. (1) Unless a greater penalty is otherwise provided by  
28 the laws of the state, any violation of this section shall

1 constitute a misdemeanor, and any person committing a violation  
2 thereof shall be subject to arrest and, upon conviction in a  
3 court of competent jurisdiction, shall pay a fine in an amount  
4 not less than twenty-five dollars and no greater than two hundred  
5 fifty dollars per violation, in addition to court costs. Any  
6 default in the payment of a fine imposed pursuant to this section  
7 without good cause shall result in imprisonment for not more than  
8 thirty days;

9 (2) Unless a greater penalty is provided by the laws of the  
10 state, any person convicted a second or subsequent time for the  
11 same offense under this section shall be guilty of a misdemeanor  
12 and sentenced to pay a fine of not less than fifty dollars nor  
13 more than five hundred dollars in addition to court costs, or to  
14 undergo imprisonment for up to sixty days, or both such fine and  
15 imprisonment;

16 (3) Any person failing to pay the proper fare, fee or other  
17 charge for use of the facilities and conveyances of the agency  
18 shall be subject to payment of such charge as part of the  
19 judgment against the violator. All proceeds from judgments for  
20 unpaid fares or charges shall be directed to the appropriate  
21 agency official;

22 (4) All juvenile offenders violating the provisions of this  
23 section shall be subject to the jurisdiction of the juvenile  
24 court as provided in chapter 211;

25 (5) As used in this section, the term "conviction" shall  
26 include all pleas of guilty and findings of guilt.

27 5. Any person who is convicted, pleads guilty, or pleads  
28 nolo contendere for failing to pay the proper fare, fee, or other

charge for the use of the facilities and conveyances of the bi-  
state development agency, as described in subdivision (3) of  
subsection 4 of this section, may, in addition to the unpaid  
fares or charges and any fines, penalties, or sentences imposed  
by law, be required to reimburse the reasonable costs  
attributable to the enforcement, investigation, and prosecution  
of such offense by the bi-state development agency. The court  
shall direct the reimbursement proceeds to the appropriate agency  
official.

6. (1) Stalled or disabled vehicles may be removed from  
the roadways of the agency property by the agency and parked or  
stored elsewhere at the risk and expense of the owner;

(2) Motor vehicles which are left unattended or abandoned  
on the property of the agency for a period of over seventy-two  
hours may be removed as provided for in section 304.155, except  
that the removal may be authorized by personnel designated by the  
agency under section 70.378.

142.932. 1. No person shall operate or maintain a motor  
vehicle on any public highway in this state with motor fuel  
contained in the fuel supply tank for the motor vehicle that  
contains dye as provided pursuant to this chapter.

2. This section does not apply to:

(1) Persons operating motor vehicles that have received  
fuel into their fuel tanks outside of this state in a  
jurisdiction that permits introduction of dyed motor fuel of that  
color and type into the motor fuel tank of highway vehicles; [or]

(2) Uses of dyed fuel on the highway which are lawful under  
the Internal Revenue Code and regulations thereunder and as set

1    forth in this chapter unless otherwise prohibited by this  
2    chapter; or

3    (3) Persons operating motor vehicles during a state of  
4    emergency declaration by the governor, when such motor vehicles  
5    are engaged in public safety matters or in restoration of utility  
6    services attributable to the state of emergency. This exception  
7    shall apply to public utility and rural electric cooperative  
8    motor vehicles and the motor vehicles of persons contracting with  
9    such entities for the purpose of restoring utility service  
10   attributable to the state of emergency.

11        3. No person shall sell or hold for sale dyed diesel fuel  
12        or dyed kerosene for any use that the person knows or has reason  
13        to know is a taxable use of the diesel fuel.

14        4. No person shall use or hold for use any dyed diesel fuel  
15        for a taxable use when the person knew or had reason to know that  
16        the diesel fuel was so dyed.

17        5. No person shall willfully, with intent to evade tax,  
18        alter or attempt to alter the strength or composition of any dye  
19        or marker in any dyed diesel fuel or dyed kerosene.

20        6. Any person who knowingly violates or knowingly aids and  
21        abets another to violate the provisions of this section with the  
22        intent to evade the tax levied by this chapter shall be guilty of  
23        a class A misdemeanor.

24        7. Any person or business entity, each officer, employee,  
25        or agent of the entity who willfully participates in any act in  
26        violation of this section shall be jointly and severally liable  
27        with the entity for the tax and penalty which shall be the same  
28        as imposed pursuant to 26 U.S.C., Section 6715 or its successor



1 section.

2 144.030. 1. There is hereby specifically exempted from the  
3 provisions of sections 144.010 to 144.525 and from the  
4 computation of the tax levied, assessed or payable pursuant to  
5 sections 144.010 to 144.525 such retail sales as may be made in  
6 commerce between this state and any other state of the United  
7 States, or between this state and any foreign country, and any  
8 retail sale which the state of Missouri is prohibited from taxing  
9 pursuant to the Constitution or laws of the United States of  
10 America, and such retail sales of tangible personal property  
11 which the general assembly of the state of Missouri is prohibited  
12 from taxing or further taxing by the constitution of this state.

13 2. There are also specifically exempted from the provisions  
14 of the local sales tax law as defined in section 32.085, section  
15 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761  
16 and from the computation of the tax levied, assessed or payable  
17 pursuant to the local sales tax law as defined in section 32.085,  
18 section 238.235, and sections 144.010 to 144.525 and 144.600 to  
19 144.745:

20 (1) Motor fuel or special fuel subject to an excise tax of  
21 this state, unless all or part of such excise tax is refunded  
22 pursuant to section 142.824; or upon the sale at retail of fuel  
23 to be consumed in manufacturing or creating gas, power, steam,  
24 electrical current or in furnishing water to be sold ultimately  
25 at retail; or feed for livestock or poultry; or grain to be  
26 converted into foodstuffs which are to be sold ultimately in  
27 processed form at retail; or seed, limestone or fertilizer which  
28 is to be used for seeding, liming or fertilizing crops which when

1 harvested will be sold at retail or will be fed to livestock or  
2 poultry to be sold ultimately in processed form at retail;  
3 economic poisons registered pursuant to the provisions of the  
4 Missouri pesticide registration law (sections 281.220 to 281.310)  
5 which are to be used in connection with the growth or production  
6 of crops, fruit trees or orchards applied before, during, or  
7 after planting, the crop of which when harvested will be sold at  
8 retail or will be converted into foodstuffs which are to be sold  
9 ultimately in processed form at retail;

10 (2) Materials, manufactured goods, machinery and parts  
11 which when used in manufacturing, processing, compounding,  
12 mining, producing or fabricating become a component part or  
13 ingredient of the new personal property resulting from such  
14 manufacturing, processing, compounding, mining, producing or  
15 fabricating and which new personal property is intended to be  
16 sold ultimately for final use or consumption; and materials,  
17 including without limitation, gases and manufactured goods,  
18 including without limitation slagging materials and firebrick,  
19 which are ultimately consumed in the manufacturing process by  
20 blending, reacting or interacting with or by becoming, in whole  
21 or in part, component parts or ingredients of steel products  
22 intended to be sold ultimately for final use or consumption;

23 (3) Materials, replacement parts and equipment purchased  
24 for use directly upon, and for the repair and maintenance or  
25 manufacture of, motor vehicles, watercraft, railroad rolling  
26 stock or aircraft engaged as common carriers of persons or  
27 property;

28 (4) Motor vehicles registered in excess of fifty-four

1 thousand pounds, and the trailers pulled by such motor vehicles,  
2 that are actually used in the normal course of business to haul  
3 property on the public highways of the state, and that are  
4 capable of hauling loads commensurate with the motor vehicle's  
5 registered weight; and the materials, replacement parts, and  
6 equipment purchased for use directly upon, and for the repair and  
7 maintenance or manufacture of such vehicles. For purposes of  
8 this subdivision "motor vehicle" and "public highway" shall have  
9 the meaning as ascribed in section 390.020;

10 (5) Replacement machinery, equipment, and parts and the  
11 materials and supplies solely required for the installation or  
12 construction of such replacement machinery, equipment, and parts,  
13 used directly in manufacturing, mining, fabricating or producing  
14 a product which is intended to be sold ultimately for final use  
15 or consumption; and machinery and equipment, and the materials  
16 and supplies required solely for the operation, installation or  
17 construction of such machinery and equipment, purchased and used  
18 to establish new, or to replace or expand existing, material  
19 recovery processing plants in this state. For the purposes of  
20 this subdivision, a "material recovery processing plant" means a  
21 facility that has as its primary purpose the recovery of  
22 materials into a useable product or a different form which is  
23 used in producing a new product and shall include a facility or  
24 equipment which are used exclusively for the collection of  
25 recovered materials for delivery to a material recovery  
26 processing plant but shall not include motor vehicles used on  
27 highways. For purposes of this section, the terms motor vehicle  
28 and highway shall have the same meaning pursuant to section

1 301.010. Material recovery is not the reuse of materials within  
2 a manufacturing process or the use of a product previously  
3 recovered. The material recovery processing plant shall qualify  
4 under the provisions of this section regardless of ownership of  
5 the material being recovered;

6 [(5)] (6) Machinery and equipment, and parts and the  
7 materials and supplies solely required for the installation or  
8 construction of such machinery and equipment, purchased and used  
9 to establish new or to expand existing manufacturing, mining or  
10 fabricating plants in the state if such machinery and equipment  
11 is used directly in manufacturing, mining or fabricating a  
12 product which is intended to be sold ultimately for final use or  
13 consumption;

14 [(6)] (7) Tangible personal property which is used  
15 exclusively in the manufacturing, processing, modification or  
16 assembling of products sold to the United States government or to  
17 any agency of the United States government;

18 [(7)] (8) Animals or poultry used for breeding or feeding  
19 purposes, or captive wildlife;

20 [(8)] (9) Newsprint, ink, computers, photosensitive paper  
21 and film, toner, printing plates and other machinery, equipment,  
22 replacement parts and supplies used in producing newspapers  
23 published for dissemination of news to the general public;

24 [(9)] (10) The rentals of films, records or any type of  
25 sound or picture transcriptions for public commercial display;

26 [(10)] (11) Pumping machinery and equipment used to propel  
27 products delivered by pipelines engaged as common carriers;

28 [(11)] (12) Railroad rolling stock for use in transporting

1 persons or property in interstate commerce and motor vehicles  
2 licensed for a gross weight of twenty-four thousand pounds or  
3 more or trailers used by common carriers, as defined in section  
4 390.020, in the transportation of persons or property;

5        ~~[(12)]~~ (13) Electrical energy used in the actual primary  
6 manufacture, processing, compounding, mining or producing of a  
7 product, or electrical energy used in the actual secondary  
8 processing or fabricating of the product, or a material recovery  
9 processing plant as defined in subdivision ~~[(4)]~~ (5) of this  
10 subsection, in facilities owned or leased by the taxpayer, if the  
11 total cost of electrical energy so used exceeds ten percent of  
12 the total cost of production, either primary or secondary,  
13 exclusive of the cost of electrical energy so used or if the raw  
14 materials used in such processing contain at least twenty-five  
15 percent recovered materials as defined in section 260.200. There  
16 shall be a rebuttable presumption that the raw materials used in  
17 the primary manufacture of automobiles contain at least  
18 twenty-five percent recovered materials. For purposes of this  
19 subdivision, "processing" means any mode of treatment, act or  
20 series of acts performed upon materials to transform and reduce  
21 them to a different state or thing, including treatment necessary  
22 to maintain or preserve such processing by the producer at the  
23 production facility;

24        ~~[(13)]~~ (14) Anodes which are used or consumed in  
25 manufacturing, processing, compounding, mining, producing or  
26 fabricating and which have a useful life of less than one year;

27        ~~[(14)]~~ (15) Machinery, equipment, appliances and devices  
28 purchased or leased and used solely for the purpose of

1 preventing, abating or monitoring air pollution, and materials  
2 and supplies solely required for the installation, construction  
3 or reconstruction of such machinery, equipment, appliances and  
4 devices;

5        **[(15)]** (16) Machinery, equipment, appliances and devices  
6 purchased or leased and used solely for the purpose of  
7 preventing, abating or monitoring water pollution, and materials  
8 and supplies solely required for the installation, construction  
9 or reconstruction of such machinery, equipment, appliances and  
10 devices;

11        **[(16)]** (17) Tangible personal property purchased by a rural  
12 water district;

13        **[(17)]** (18) All amounts paid or charged for admission or  
14 participation or other fees paid by or other charges to  
15 individuals in or for any place of amusement, entertainment or  
16 recreation, games or athletic events, including museums, fairs,  
17 zoos and planetariums, owned or operated by a municipality or  
18 other political subdivision where all the proceeds derived  
19 therefrom benefit the municipality or other political subdivision  
20 and do not inure to any private person, firm, or corporation;

21        **[(18)]** (19) All sales of insulin and prosthetic or  
22 orthopedic devices as defined on January 1, 1980, by the federal  
23 Medicare program pursuant to Title XVIII of the Social Security  
24 Act of 1965, including the items specified in Section 1862(a)(12)  
25 of that act, and also specifically including hearing aids and  
26 hearing aid supplies and all sales of drugs which may be legally  
27 dispensed by a licensed pharmacist only upon a lawful  
28 prescription of a practitioner licensed to administer those

1 items, including samples and materials used to manufacture  
2 samples which may be dispensed by a practitioner authorized to  
3 dispense such samples and all sales or rental of medical oxygen,  
4 home respiratory equipment and accessories, hospital beds and  
5 accessories and ambulatory aids, all sales or rental of manual  
6 and powered wheelchairs, stairway lifts, Braille writers,  
7 electronic Braille equipment and, if purchased or rented by or on  
8 behalf of a person with one or more physical or mental  
9 disabilities to enable them to function more independently, all  
10 sales or rental of scooters, reading machines, electronic print  
11 enlargers and magnifiers, electronic alternative and augmentative  
12 communication devices, and items used solely to modify motor  
13 vehicles to permit the use of such motor vehicles by individuals  
14 with disabilities or sales of over-the-counter or nonprescription  
15 drugs to individuals with disabilities, and drugs required by the  
16 Food and Drug Administration to meet the over-the-counter drug  
17 product labeling requirements in 21 CFR 201.66, or its successor,  
18 as prescribed by a health care practitioner licensed to  
19 prescribe;

20        [(19)] (20) All sales made by or to religious and  
21 charitable organizations and institutions in their religious,  
22 charitable or educational functions and activities and all sales  
23 made by or to all elementary and secondary schools operated at  
24 public expense in their educational functions and activities;

25        [(20)] (21) All sales of aircraft to common carriers for  
26 storage or for use in interstate commerce and all sales made by  
27 or to not-for-profit civic, social, service or fraternal  
28 organizations, including fraternal organizations which have been

1 declared tax-exempt organizations pursuant to Section 501(c)(8)  
2 or (10) of the 1986 Internal Revenue Code, as amended, in their  
3 civic or charitable functions and activities and all sales made  
4 to eleemosynary and penal institutions and industries of the  
5 state, and all sales made to any private not-for-profit  
6 institution of higher education not otherwise excluded pursuant  
7 to subdivision [(19)] (20) of this subsection or any institution  
8 of higher education supported by public funds, and all sales made  
9 to a state relief agency in the exercise of relief functions and  
10 activities;

11 [(21)] (22) All ticket sales made by benevolent, scientific  
12 and educational associations which are formed to foster,  
13 encourage, and promote progress and improvement in the science of  
14 agriculture and in the raising and breeding of animals, and by  
15 nonprofit summer theater organizations if such organizations are  
16 exempt from federal tax pursuant to the provisions of the  
17 Internal Revenue Code and all admission charges and entry fees to  
18 the Missouri state fair or any fair conducted by a county  
19 agricultural and mechanical society organized and operated  
20 pursuant to sections 262.290 to 262.530;

21 [(22)] (23) All sales made to any private not-for-profit  
22 elementary or secondary school, all sales of feed additives,  
23 medications or vaccines administered to livestock or poultry in  
24 the production of food or fiber, all sales of pesticides used in  
25 the production of crops, livestock or poultry for food or fiber,  
26 all sales of bedding used in the production of livestock or  
27 poultry for food or fiber, all sales of propane or natural gas,  
28 electricity or diesel fuel used exclusively for drying



1 agricultural crops, natural gas used in the primary manufacture  
2 or processing of fuel ethanol as defined in section 142.028,  
3 natural gas, propane, and electricity used by an eligible new  
4 generation cooperative or an eligible new generation processing  
5 entity as defined in section 348.432, and all sales of farm  
6 machinery and equipment, other than airplanes, motor vehicles and  
7 trailers, and any freight charges on any exempt item. As used in  
8 this subdivision, the term "feed additives" means tangible  
9 personal property which, when mixed with feed for livestock or  
10 poultry, is to be used in the feeding of livestock or poultry.  
11 As used in this subdivision, the term "pesticides" includes  
12 adjuvants such as crop oils, surfactants, wetting agents and  
13 other assorted pesticide carriers used to improve or enhance the  
14 effect of a pesticide and the foam used to mark the application  
15 of pesticides and herbicides for the production of crops,  
16 livestock or poultry. As used in this subdivision, the term  
17 "farm machinery and equipment" means new or used farm tractors  
18 and such other new or used farm machinery and equipment and  
19 repair or replacement parts thereon and any accessories for and  
20 upgrades to such farm machinery and equipment, rotary mowers used  
21 exclusively for agricultural purposes, and supplies and  
22 lubricants used exclusively, solely, and directly for producing  
23 crops, raising and feeding livestock, fish, poultry, pheasants,  
24 chukar, quail, or for producing milk for ultimate sale at retail,  
25 including field drain tile, and one-half of each purchaser's  
26 purchase of diesel fuel therefor which is:

27 (a) Used exclusively for agricultural purposes;

28 (b) Used on land owned or leased for the purpose of

1 producing farm products; and

2 (c) Used directly in producing farm products to be sold  
3 ultimately in processed form or otherwise at retail or in  
4 producing farm products to be fed to livestock or poultry to be  
5 sold ultimately in processed form at retail;

6 [(23)] (24) Except as otherwise provided in section  
7 144.032, all sales of metered water service, electricity,  
8 electrical current, natural, artificial or propane gas, wood,  
9 coal or home heating oil for domestic use and in any city not  
10 within a county, all sales of metered or unmetered water service  
11 for domestic use:

12 (a) "Domestic use" means that portion of metered water  
13 service, electricity, electrical current, natural, artificial or  
14 propane gas, wood, coal or home heating oil, and in any city not  
15 within a county, metered or unmetered water service, which an  
16 individual occupant of a residential premises uses for  
17 nonbusiness, noncommercial or nonindustrial purposes. Utility  
18 service through a single or master meter for residential  
19 apartments or condominiums, including service for common areas  
20 and facilities and vacant units, shall be deemed to be for  
21 domestic use. Each seller shall establish and maintain a system  
22 whereby individual purchases are determined as exempt or  
23 nonexempt;

24 (b) Regulated utility sellers shall determine whether  
25 individual purchases are exempt or nonexempt based upon the  
26 seller's utility service rate classifications as contained in  
27 tariffs on file with and approved by the Missouri public service  
28 commission. Sales and purchases made pursuant to the rate

1 classification "residential" and sales to and purchases made by  
2 or on behalf of the occupants of residential apartments or  
3 condominiums through a single or master meter, including service  
4 for common areas and facilities and vacant units, shall be  
5 considered as sales made for domestic use and such sales shall be  
6 exempt from sales tax. Sellers shall charge sales tax upon the  
7 entire amount of purchases classified as nondomestic use. The  
8 seller's utility service rate classification and the provision of  
9 service thereunder shall be conclusive as to whether or not the  
10 utility must charge sales tax;

11 (c) Each person making domestic use purchases of services  
12 or property and who uses any portion of the services or property  
13 so purchased for a nondomestic use shall, by the fifteenth day of  
14 the fourth month following the year of purchase, and without  
15 assessment, notice or demand, file a return and pay sales tax on  
16 that portion of nondomestic purchases. Each person making  
17 nondomestic purchases of services or property and who uses any  
18 portion of the services or property so purchased for domestic  
19 use, and each person making domestic purchases on behalf of  
20 occupants of residential apartments or condominiums through a  
21 single or master meter, including service for common areas and  
22 facilities and vacant units, under a nonresidential utility  
23 service rate classification may, between the first day of the  
24 first month and the fifteenth day of the fourth month following  
25 the year of purchase, apply for credit or refund to the director  
26 of revenue and the director shall give credit or make refund for  
27 taxes paid on the domestic use portion of the purchase. The  
28 person making such purchases on behalf of occupants of

1 residential apartments or condominiums shall have standing to  
2 apply to the director of revenue for such credit or refund;

3 [(24)] (25) All sales of handicraft items made by the  
4 seller or the seller's spouse if the seller or the seller's  
5 spouse is at least sixty-five years of age, and if the total  
6 gross proceeds from such sales do not constitute a majority of  
7 the annual gross income of the seller;

8 [(25)] (26) Excise taxes, collected on sales at retail,  
9 imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181,  
10 4251, 4261 and 4271 of Title 26, United States Code. The  
11 director of revenue shall promulgate rules pursuant to chapter  
12 536 to eliminate all state and local sales taxes on such excise  
13 taxes;

14 [(26)] (27) Sales of fuel consumed or used in the operation  
15 of ships, barges, or waterborne vessels which are used primarily  
16 in or for the transportation of property or cargo, or the  
17 conveyance of persons for hire, on navigable rivers bordering on  
18 or located in part in this state, if such fuel is delivered by  
19 the seller to the purchaser's barge, ship, or waterborne vessel  
20 while it is afloat upon such river;

21 [(27)] (28) All sales made to an interstate compact agency  
22 created pursuant to sections 70.370 to 70.441 or sections 238.010  
23 to 238.100 in the exercise of the functions and activities of  
24 such agency as provided pursuant to the compact;

25 [(28)] (29) Computers, computer software and computer  
26 security systems purchased for use by architectural or  
27 engineering firms headquartered in this state. For the purposes  
28 of this subdivision, "headquartered in this state" means the

1 office for the administrative management of at least four  
2 integrated facilities operated by the taxpayer is located in the  
3 state of Missouri;

4 [(29)] (30) All livestock sales when either the seller is  
5 engaged in the growing, producing or feeding of such livestock,  
6 or the seller is engaged in the business of buying and selling,  
7 bartering or leasing of such livestock;

8 [(30)] (31) All sales of barges which are to be used  
9 primarily in the transportation of property or cargo on  
10 interstate waterways;

11 [(31)] (32) Electrical energy or gas, whether natural,  
12 artificial or propane, water, or other utilities which are  
13 ultimately consumed in connection with the manufacturing of  
14 cellular glass products or in any material recovery processing  
15 plant as defined in subdivision [(4)] (5) of this subsection;

16 [(32)] (33) Notwithstanding other provisions of law to the  
17 contrary, all sales of pesticides or herbicides used in the  
18 production of crops, aquaculture, livestock or poultry;

19 [(33)] (34) Tangible personal property and utilities  
20 purchased for use or consumption directly or exclusively in the  
21 research and development of agricultural/biotechnology and plant  
22 genomics products and prescription pharmaceuticals consumed by  
23 humans or animals;

24 [(34)] (35) All sales of grain bins for storage of grain  
25 for resale;

26 [(35)] (36) All sales of feed which are developed for and  
27 used in the feeding of pets owned by a commercial breeder when  
28 such sales are made to a commercial breeder, as defined in

1 section 273.325, and licensed pursuant to sections 273.325 to  
2 273.357;

3        ~~[(36)]~~ (37) All purchases by a contractor on behalf of an  
4 entity located in another state, provided that the entity is  
5 authorized to issue a certificate of exemption for purchases to a  
6 contractor under the provisions of that state's laws. For  
7 purposes of this subdivision, the term "certificate of exemption"  
8 shall mean any document evidencing that the entity is exempt from  
9 sales and use taxes on purchases pursuant to the laws of the  
10 state in which the entity is located. Any contractor making  
11 purchases on behalf of such entity shall maintain a copy of the  
12 entity's exemption certificate as evidence of the exemption. If  
13 the exemption certificate issued by the exempt entity to the  
14 contractor is later determined by the director of revenue to be  
15 invalid for any reason and the contractor has accepted the  
16 certificate in good faith, neither the contractor or the exempt  
17 entity shall be liable for the payment of any taxes, interest and  
18 penalty due as the result of use of the invalid exemption  
19 certificate. Materials shall be exempt from all state and local  
20 sales and use taxes when purchased by a contractor for the  
21 purpose of fabricating tangible personal property which is used  
22 in fulfilling a contract for the purpose of constructing,  
23 repairing or remodeling facilities for the following:

24        (a) An exempt entity located in this state, if the entity  
25 is one of those entities able to issue project exemption  
26 certificates in accordance with the provisions of section  
27 144.062; or

28        (b) An exempt entity located outside the state if the

1 exempt entity is authorized to issue an exemption certificate to  
2 contractors in accordance with the provisions of that state's law  
3 and the applicable provisions of this section;

4       [(37)] (38) All sales or other transfers of tangible  
5 personal property to a lessor who leases the property under a  
6 lease of one year or longer executed or in effect at the time of  
7 the sale or other transfer to an interstate compact agency  
8 created pursuant to sections 70.370 to 70.441 or sections 238.010  
9 to 238.100;

10       [(38)] (39) Sales of tickets to any collegiate athletic  
11 championship event that is held in a facility owned or operated  
12 by a governmental authority or commission, a quasi-governmental  
13 agency, a state university or college or by the state or any  
14 political subdivision thereof, including a municipality, and that  
15 is played on a neutral site and may reasonably be played at a  
16 site located outside the state of Missouri. For purposes of this  
17 subdivision, "neutral site" means any site that is not located on  
18 the campus of a conference member institution participating in  
19 the event;

20       [(39)] (40) All purchases by a sports complex authority  
21 created under section 64.920, and all sales of utilities by such  
22 authority at the authority's cost that are consumed in connection  
23 with the operation of a sports complex leased to a professional  
24 sports team;

25       [(40)] (41) Beginning January 1, 2009, but not after  
26 January 1, 2015, materials, replacement parts, and equipment  
27 purchased for use directly upon, and for the modification,  
28 replacement, repair, and maintenance of aircraft, aircraft power

1 plants, and aircraft accessories;

2 [(41)] (42) Sales of sporting clays, wobble, skeet, and  
3 trap targets to any shooting range or similar places of business  
4 for use in the normal course of business and money received by a  
5 shooting range or similar places of business from patrons and  
6 held by a shooting range or similar place of business for  
7 redistribution to patrons at the conclusion of a shooting event.

8 226.500. The general assembly finds and declares that  
9 outdoor advertising is a legitimate commercial use of private  
10 property adjacent to the interstate and primary highway systems  
11 and that it is necessary to regulate and control same to promote  
12 highway safety, to promote convenience and enjoyment of highway  
13 travel, and to preserve the natural scenic beauty of highways and  
14 adjacent areas. The general assembly further declares it to be  
15 the policy of this state that the erection and maintenance of  
16 outdoor advertising in areas adjacent to the interstate and  
17 primary highway systems be regulated in accordance with sections  
18 226.500 to 226.600 and rules and regulations promulgated by the  
19 state Highways and Transportation Commission pursuant thereto and  
20 may confer with the department of public safety regarding highway  
21 safety, the department of economic development and the state  
22 division of tourism with regard to promoting the convenience and  
23 enjoyment of highway travel, and the departments of conservation  
24 and natural resources regarding the preservation of the natural  
25 scenic beauty of adjacent areas.

26 226.541. 1. As used in this section, the following words  
27 or phrases mean:

28 (1) "Conforming out of standard signs", signs that fail to



1 meet the current statutory and administrative rule requirements  
2 for outdoor advertising but currently comply with the terms of  
3 the federal/state agreement and meet the August 27, 1999,  
4 statutory and administrative rule requirements that governed  
5 outdoor advertising and the highway beautification act of 1965;

6 (2) "Federal/state agreement", an agreement executed  
7 between the United States Department of Transportation and the  
8 state Highways and Transportation Commission on February 22,  
9 1972, for carrying out national policy relative to control of  
10 outdoor advertising in areas adjacent to the national system of  
11 interstate and defense highways and the federal-aid primary  
12 system;

13 (3) "Qualifying signs", signs which meet the requirements  
14 for outdoor advertising in effect on August 27, 1999, and the  
15 requirements of the federal/state agreement;

16 (4) "Reset", movement of a sign structure from one location  
17 to another location on the same or adjoining property, if the  
18 adjoining property is zoned commercial or industrial or in an  
19 unzoned commercial or industrial area and the owner of the sign  
20 has obtained the legal right to erect a sign on the adjoining  
21 property from its owner, as authorized by a sign permit amendment  
22 and the terms of an executed written partial waiver and reset  
23 agreement between the permit owner and the state Highways and  
24 Transportation Commission;

25 (5) "Substantially rebuilt", any reconstruction or repair  
26 of a sign that requires the replacement of more than fifty  
27 percent of the sign structure's support poles in a twelve-month  
28 period.

1       2. Subject to the provisions of this section, and if  
2       allowed by applicable local regulations, conforming out of  
3       standard signs shall be treated as conforming signs under  
4       commission administrative rules, including new display  
5       technologies, lighting, cutouts, and extensions, except that such  
6       signs shall not be substantially rebuilt except in accordance  
7       with the provisions of this section. If allowed by applicable  
8       local regulations, new technologies, lighting, cutouts, and  
9       extensions may be utilized on conforming and conforming out of  
10       standard signs in accordance with Missouri department of  
11       transportation regulations.

12       3. If allowed by applicable local regulations, a conforming  
13       out of standard sign may be upgraded:

14       (1) Up to twenty percent of the sign face, not to exceed  
15       one hundred sixty square feet of area, with digital technology  
16       for displaying text or numbers in accordance with current law and  
17       rules; or

18       (2) More than twenty percent only if it maintains a  
19       distance of at least one thousand four hundred feet from any  
20       other such digital technology display sign.

21       4. Notwithstanding any provision of the law to the  
22       contrary, a conforming out of standard sign may be unstacked by  
23       closing the gap between the signs or by replacing the faces with  
24       one display area. The resulting sign face square footage shall  
25       not exceed the square footage of the original stacked structure.  
26       A conforming out of standard sign structure height may be  
27       lowered.

28       5. On the date the commission approves funding for any

1 phase or portion of construction or reconstruction of any street  
2 or highway, the rules in effect for outdoor advertising on August  
3 27, 1999, shall be reinstated for that section of highway  
4 scheduled for construction and there shall immediately be a  
5 moratorium imposed on the issuance of state sign permits for new  
6 sign structures.

7 6. Owners of existing signs which meet the requirements for  
8 outdoor advertising in effect on August 27, 1999, and the  
9 requirements of the federal/state agreement and who voluntarily  
10 execute a partial waiver and reset agreement may reset such signs  
11 on the same or adjoining property. Such reset agreements shall  
12 be contingent upon obtaining any required local approval to reset  
13 the sign structure. Any sign which has been reset must still  
14 comply with the August 27, 1999, outdoor advertising regulations  
15 after it has been reset.

16 7. Owners of existing signs who elect to reset qualifying  
17 signs shall receive compensation from the state Highways and  
18 Transportation Commission or in accordance with a cost sharing  
19 agreement representing the actual cost to reset the existing  
20 sign. Signs which have been reset under these provisions must be  
21 reconstructed of the same type materials and may not exceed the  
22 square footage of the original sign structure.

23 8. Sign owners may elect to reset existing qualifying signs  
24 by executing a partial waiver and reset agreement with the  
25 commission. Such agreement shall specify the size, type, and  
26 location of the rebuilt sign and the reset expenses to be paid to  
27 the owner by the commission. The commission may consider the  
28 impact of a potential reset upon scenic, natural, historic, or

1 other features in the surrounding area in its determination of  
2 whether to enter into a reset agreement.

3 9. Immediately upon the completion of construction on any  
4 section of highway, the moratorium on new permits shall be lifted  
5 and the rules for outdoor advertising in effect on the date the  
6 construction is completed shall apply to such section of highway.

7 10. Local zoning authorities may prohibit the resetting of  
8 qualifying signs which fail to comply with local regulations.

9 11. The state Highways and Transportation Commission, in  
10 accordance with section 226.500, shall review its current rules  
11 and regulations and solicit industry, stakeholder, and public  
12 comments regarding digital technology upgrades, including but not  
13 limited to, ad copy duration, distance from interchanges,  
14 brightness controls, including light sensors and timers, and  
15 distance from other billboards prior to implementing the sign  
16 reset agreement program or digital upgrade regulations described  
17 in this section.

18 12. All signs shall be subject to the biennial inspection  
19 fees under section 226.550.

20 301.010. As used in this chapter and sections 304.010 to  
21 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the  
22 following terms mean:

23 (1) "All-terrain vehicle", any motorized vehicle  
24 manufactured and used exclusively for off-highway use which is  
25 fifty inches or less in width, with an unladen dry weight of one  
26 thousand five hundred pounds or less, traveling on three, four or  
27 more nonhighway tires, with a seat designed to be straddled by  
28 the operator, or with a seat designed to carry more than one

1 person, and handlebars for steering control;

2 (2) "Automobile transporter", any vehicle combination  
3 designed and used specifically for the transport of assembled  
4 motor vehicles;

5 (3) "Axle load", the total load transmitted to the road by  
6 all wheels whose centers are included between two parallel  
7 transverse vertical planes forty inches apart, extending across  
8 the full width of the vehicle;

9 (4) "Boat transporter", any vehicle combination designed  
10 and used specifically to transport assembled boats and boat  
11 hulls;

12 (5) "Body shop", a business that repairs physical damage on  
13 motor vehicles that are not owned by the shop or its officers or  
14 employees by mending, straightening, replacing body parts, or  
15 painting;

16 (6) "Bus", a motor vehicle primarily for the transportation  
17 of a driver and eight or more passengers but not including  
18 shuttle buses;

19 (7) "Commercial motor vehicle", a motor vehicle designed or  
20 regularly used for carrying freight and merchandise, or more than  
21 eight passengers but not including vanpools or shuttle buses;

22 (8) "Cotton trailer", a trailer designed and used  
23 exclusively for transporting cotton at speeds less than forty  
24 miles per hour from field to field or from field to market and  
25 return;

26 (9) "Dealer", any person, firm, corporation, association,  
27 agent or subagent engaged in the sale or exchange of new, used or  
28 reconstructed motor vehicles or trailers;

1           (10) "Director" or "director of revenue", the director of  
2 the department of revenue;

3           (11) "Driveaway operation":

4           (a) The movement of a motor vehicle or trailer by any  
5 person or motor carrier other than a dealer over any public  
6 highway, under its own power singly, or in a fixed combination of  
7 two or more vehicles, for the purpose of delivery for sale or for  
8 delivery either before or after sale;

9           (b) The movement of any vehicle or vehicles, not owned by  
10 the transporter, constituting the commodity being transported, by  
11 a person engaged in the business of furnishing drivers and  
12 operators for the purpose of transporting vehicles in transit  
13 from one place to another by the driveaway or towaway methods; or

14           (c) The movement of a motor vehicle by any person who is  
15 lawfully engaged in the business of transporting or delivering  
16 vehicles that are not the person's own and vehicles of a type  
17 otherwise required to be registered, by the driveaway or towaway  
18 methods, from a point of manufacture, assembly or distribution or  
19 from the owner of the vehicles to a dealer or sales agent of a  
20 manufacturer or to any consignee designated by the shipper or  
21 consignor;

22           (12) "Dromedary", a box, deck, or plate mounted behind the  
23 cab and forward of the fifth wheel on the frame of the power unit  
24 of a truck tractor-semitrailer combination. A truck tractor  
25 equipped with a dromedary may carry part of a load when operating  
26 independently or in a combination with a semitrailer;

27           (13) "Farm tractor", a tractor used exclusively for  
28 agricultural purposes;

1           (14) "Fleet", any group of ten or more motor vehicles owned  
2 by the same owner;

3           (15) "Fleet vehicle", a motor vehicle which is included as  
4 part of a fleet;

5           (16) "Fullmount", a vehicle mounted completely on the frame  
6 of either the first or last vehicle in a saddlemount combination;

7           (17) "Gross weight", the weight of vehicle and/or vehicle  
8 combination without load, plus the weight of any load thereon;

9           (18) "Hail-damaged vehicle", any vehicle, the body of which  
10 has become dented as the result of the impact of hail;

11           (19) "Highway", any public thoroughfare for vehicles,  
12 including state roads, county roads and public streets, avenues,  
13 boulevards, parkways or alleys in any municipality;

14           (20) "Improved highway", a highway which has been paved  
15 with gravel, macadam, concrete, brick or asphalt, or surfaced in  
16 such a manner that it shall have a hard, smooth surface;

17           (21) "Intersecting highway", any highway which joins  
18 another, whether or not it crosses the same;

19           (22) "Junk vehicle", a vehicle which is incapable of  
20 operation or use upon the highways and has no resale value except  
21 as a source of parts or scrap, and shall not be titled or  
22 registered;

23           (23) "Kit vehicle", a motor vehicle assembled by a person  
24 other than a generally recognized manufacturer of motor vehicles  
25 by the use of a glider kit or replica purchased from an  
26 authorized manufacturer and accompanied by a manufacturer's  
27 statement of origin;

28           (24) "Land improvement contractors' commercial motor

1 vehicle", any not-for-hire commercial motor vehicle the operation  
2 of which is confined to:

3 (a) An area that extends not more than a radius of one  
4 hundred miles from its home base of operations when transporting  
5 its owner's machinery, equipment, or auxiliary supplies to or  
6 from projects involving soil and water conservation, or to and  
7 from equipment dealers' maintenance facilities for maintenance  
8 purposes; or

9 (b) An area that extends not more than a radius of fifty  
10 miles from its home base of operations when transporting its  
11 owner's machinery, equipment, or auxiliary supplies to or from  
12 projects not involving soil and water conservation. Nothing in  
13 this subdivision shall be construed to prevent any motor vehicle  
14 from being registered as a commercial motor vehicle or local  
15 commercial motor vehicle;

16 (25) "Local commercial motor vehicle", a commercial motor  
17 vehicle whose operations are confined solely to a municipality  
18 and that area extending not more than fifty miles therefrom, or a  
19 commercial motor vehicle whose property-carrying operations are  
20 confined solely to the transportation of property owned by any  
21 person who is the owner or operator of such vehicle to or from a  
22 farm owned by such person or under the person's control by virtue  
23 of a landlord and tenant lease; provided that any such property  
24 transported to any such farm is for use in the operation of such  
25 farm;

26 (26) "Local log truck", a commercial motor vehicle which is  
27 registered pursuant to this chapter to operate as a motor vehicle  
28 on the public highways of this state, used exclusively in this



1 state, used to transport harvested forest products, operated  
2 solely at a forested site and in an area extending not more than  
3 a one hundred-mile radius from such site, carries a load with  
4 dimensions not in excess of twenty-five cubic yards per two axles  
5 with dual wheels, and when operated on the national system of  
6 interstate and defense highways described in Title 23, Section  
7 103(e) of the United States Code, such vehicle shall not exceed  
8 the weight limits of section 304.180, does not have more than  
9 four axles, and does not pull a trailer which has more than two  
10 axles. Harvesting equipment which is used specifically for  
11 cutting, felling, trimming, delimbing, debarking, chipping,  
12 skidding, loading, unloading, and stacking may be transported on  
13 a local log truck. A local log truck may not exceed the limits  
14 required by law, however, if the truck does exceed such limits as  
15 determined by the inspecting officer, then notwithstanding any  
16 other provisions of law to the contrary, such truck shall be  
17 subject to the weight limits required by such sections as  
18 licensed for eighty thousand pounds;

19 (27) "Local log truck tractor", a commercial motor vehicle  
20 which is registered under this chapter to operate as a motor  
21 vehicle on the public highways of this state, used exclusively in  
22 this state, used to transport harvested forest products, operated  
23 solely at a forested site and in an area extending not more than  
24 a one hundred-mile radius from such site, operates with a weight  
25 not exceeding twenty-two thousand four hundred pounds on one axle  
26 or with a weight not exceeding forty-four thousand eight hundred  
27 pounds on any tandem axle, and when operated on the national  
28 system of interstate and defense highways described in Title 23,

1 Section 103(e) of the United States Code, such vehicle does not  
2 exceed the weight limits contained in section 304.180, and does  
3 not have more than three axles and does not pull a trailer which  
4 has more than two axles. Violations of axle weight limitations  
5 shall be subject to the load limit penalty as described for in  
6 sections 304.180 to 304.220;

7 (28) "Local transit bus", a bus whose operations are  
8 confined wholly within a municipal corporation, or wholly within  
9 a municipal corporation and a commercial zone, as defined in  
10 section 390.020, adjacent thereto, forming a part of a public  
11 transportation system within such municipal corporation and such  
12 municipal corporation and adjacent commercial zone;

13 (29) "Log truck", a vehicle which is not a local log truck  
14 or local log truck tractor and is used exclusively to transport  
15 harvested forest products to and from forested sites which is  
16 registered pursuant to this chapter to operate as a motor vehicle  
17 on the public highways of this state for the transportation of  
18 harvested forest products;

19 (30) "Major component parts", the rear clip, cowl, frame,  
20 body, cab, front-end assembly, and front clip, as those terms are  
21 defined by the director of revenue pursuant to rules and  
22 regulations or by illustrations;

23 (31) "Manufacturer", any person, firm, corporation or  
24 association engaged in the business of manufacturing or  
25 assembling motor vehicles, trailers or vessels for sale;

26 (32) ["Mobile scrap processor", a business located in  
27 Missouri or any other state that comes onto a salvage site and  
28 crushes motor vehicles and parts for transportation to a shredder

or scrap metal operator for recycling;

(33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

[(34)] (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

[(35)] (34) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

[(36)] (35) "Motorcycle", a motor vehicle operated on two wheels;

[(37)] (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

[(38)] (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(39)] (38) "Municipality", any city, town or village,

1 whether incorporated or not;

2 [(40)] (39) "Nonresident", a resident of a state or country  
3 other than the state of Missouri;

4 [(41)] (40) "Non-USA-std motor vehicle", a motor vehicle  
5 not originally manufactured in compliance with United States  
6 emissions or safety standards;

7 [(42)] (41) "Operator", any person who operates or drives a  
8 motor vehicle;

9 [(43)] (42) "Owner", any person, firm, corporation or  
10 association, who holds the legal title to a vehicle or in the  
11 event a vehicle is the subject of an agreement for the  
12 conditional sale or lease thereof with the right of purchase upon  
13 performance of the conditions stated in the agreement and with an  
14 immediate right of possession vested in the conditional vendee or  
15 lessee, or in the event a mortgagor of a vehicle is entitled to  
16 possession, then such conditional vendee or lessee or mortgagor  
17 shall be deemed the owner for the purpose of this law;

18 [(44)] (43) "Public garage", a place of business where  
19 motor vehicles are housed, stored, repaired, reconstructed or  
20 repainted for persons other than the owners or operators of such  
21 place of business;

22 [(45)] (44) "Rebuilder", a business that repairs or  
23 rebuilds motor vehicles owned by the rebuilder, but does not  
24 include certificated common or contract carriers of persons or  
25 property;

26 [(46)] (45) "Reconstructed motor vehicle", a vehicle that  
27 is altered from its original construction by the addition or  
28 substitution of two or more new or used major component parts,

1 excluding motor vehicles made from all new parts, and new  
2 multistage manufactured vehicles;

3 [(47)] (46) "Recreational motor vehicle", any motor vehicle  
4 designed, constructed or substantially modified so that it may be  
5 used and is used for the purposes of temporary housing quarters,  
6 including therein sleeping and eating facilities which are either  
7 permanently attached to the motor vehicle or attached to a unit  
8 which is securely attached to the motor vehicle. Nothing herein  
9 shall prevent any motor vehicle from being registered as a  
10 commercial motor vehicle if the motor vehicle could otherwise be  
11 so registered;

12 [(48)] (47) "Recreational off-highway vehicle", any  
13 motorized vehicle manufactured and used exclusively for  
14 off-highway use which is [sixty] sixty-four inches or less in  
15 width, with an unladen dry weight of [one] two thousand [eight  
16 hundred fifty] pounds or less, traveling on four or more  
17 nonhighway tires, with a nonstraddle seat, and steering wheel,  
18 which may have access to ATV trails;

19 [(49)] (48) "Rollback or car carrier", any vehicle  
20 specifically designed to transport wrecked, disabled or otherwise  
21 inoperable vehicles, when the transportation is directly  
22 connected to a wrecker or towing service;

23 [(50)] (49) "Saddlemount combination", a combination of  
24 vehicles in which a truck or truck tractor tows one or more  
25 trucks or truck tractors, each connected by a saddle to the frame  
26 or fifth wheel of the vehicle in front of it. The "saddle" is a  
27 mechanism that connects the front axle of the towed vehicle to  
28 the frame or fifth wheel of the vehicle in front and functions

1     like a fifth wheel kingpin connection. When two vehicles are  
2     towed in this manner the combination is called a "double  
3     saddlemount combination". When three vehicles are towed in this  
4     manner, the combination is called a "triple saddlemount  
5     combination";

6           [(51)] (50) "Salvage dealer and dismantler", a business  
7     that dismantles used motor vehicles for the sale of the parts  
8     thereof, and buys and sells used motor vehicle parts and  
9     accessories;

10          [(52)] (51) "Salvage vehicle", a motor vehicle,  
11     semitrailer, or house trailer which:

12           (a) Was damaged during a year that is no more than six  
13     years after the manufacturer's model year designation for such  
14     vehicle to the extent that the total cost of repairs to rebuild  
15     or reconstruct the vehicle to its condition immediately before it  
16     was damaged for legal operation on the roads or highways exceeds  
17     eighty percent of the fair market value of the vehicle  
18     immediately preceding the time it was damaged;

19           (b) By reason of condition or circumstance, has been  
20     declared salvage, either by its owner, or by a person, firm,  
21     corporation, or other legal entity exercising the right of  
22     security interest in it;

23           (c) Has been declared salvage by an insurance company as a  
24     result of settlement of a claim;

25           (d) Ownership of which is evidenced by a salvage title; or

26           (e) Is abandoned property which is titled pursuant to  
27     section 304.155 or section 304.157 and designated with the words  
28     "salvage/abandoned property". The total cost of repairs to

1 rebuild or reconstruct the vehicle shall not include the cost of  
2 repairing, replacing, or reinstalling inflatable safety  
3 restraints, tires, sound systems, or damage as a result of hail,  
4 or any sales tax on parts or materials to rebuild or reconstruct  
5 the vehicle. For purposes of this definition, "fair market  
6 value" means the retail value of a motor vehicle as:

7 a. Set forth in a current edition of any nationally  
8 recognized compilation of retail values, including automated  
9 databases, or from publications commonly used by the automotive  
10 and insurance industries to establish the values of motor  
11 vehicles;

12 b. Determined pursuant to a market survey of comparable  
13 vehicles with regard to condition and equipment; and

14 c. Determined by an insurance company using any other  
15 procedure recognized by the insurance industry, including market  
16 surveys, that is applied by the company in a uniform manner;

17 ~~[(53)]~~ (52) "School bus", any motor vehicle used solely to  
18 transport students to or from school or to transport students to  
19 or from any place for educational purposes;

20 ~~[(54)]~~ (53) "Scrap processor", a business that, through  
21 the use of fixed or mobile equipment, flattens, crushes, or  
22 otherwise accepts motor vehicles and vehicle parts for processing  
23 or transportation to a shredder or scrap metal operator for  
24 recycling;

25 (54) "Shuttle bus", a motor vehicle used or maintained by  
26 any person, firm, or corporation as an incidental service to  
27 transport patrons or customers of the regular business of such  
28 person, firm, or corporation to and from the place of business of

1 the person, firm, or corporation providing the service at no fee  
2 or charge. Shuttle buses shall not be registered as buses or as  
3 commercial motor vehicles;

4 (55) "Special mobile equipment", every self-propelled  
5 vehicle not designed or used primarily for the transportation of  
6 persons or property and incidentally operated or moved over the  
7 highways, including farm equipment, implements of husbandry, road  
8 construction or maintenance machinery, ditch-digging apparatus,  
9 stone crushers, air compressors, power shovels, cranes, graders,  
10 rollers, well-drillers and wood-sawing equipment used for hire,  
11 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
12 leveling graders, finished machines, motor graders, road rollers,  
13 scarifiers, earth-moving carryalls, scrapers, drag lines,  
14 concrete pump trucks, rock-drilling and earth-moving equipment.  
15 This enumeration shall be deemed partial and shall not operate to  
16 exclude other such vehicles which are within the general terms of  
17 this section;

18 (56) "Specially constructed motor vehicle", a motor vehicle  
19 which shall not have been originally constructed under a  
20 distinctive name, make, model or type by a manufacturer of motor  
21 vehicles. The term specially constructed motor vehicle includes  
22 kit vehicles;

23 (57) "Stinger-steered combination", a truck  
24 tractor-semitrailer wherein the fifth wheel is located on a drop  
25 frame located behind and below the rearmost axle of the power  
26 unit;

27 (58) "Tandem axle", a group of two or more axles, arranged  
28 one behind another, the distance between the extremes of which is



1 more than forty inches and not more than ninety-six inches apart;

2 (59) "Tractor", "truck tractor" or "truck-tractor", a  
3 self-propelled motor vehicle designed for drawing other vehicles,  
4 but not for the carriage of any load when operating  
5 independently. When attached to a semitrailer, it supports a  
6 part of the weight thereof;

7 (60) "Trailer", any vehicle without motive power designed  
8 for carrying property or passengers on its own structure and for  
9 being drawn by a self-propelled vehicle, except those running  
10 exclusively on tracks, including a semitrailer or vehicle of the  
11 trailer type so designed and used in conjunction with a  
12 self-propelled vehicle that a considerable part of its own weight  
13 rests upon and is carried by the towing vehicle. The term  
14 "trailer" shall not include cotton trailers as defined in  
15 subdivision (8) of this section and shall not include  
16 manufactured homes as defined in section 700.010;

17 (61) "Truck", a motor vehicle designed, used, or maintained  
18 for the transportation of property;

19 (62) "Truck-tractor semitrailer-semitrailer", a combination  
20 vehicle in which the two trailing units are connected with a  
21 B-train assembly which is a rigid frame extension attached to the  
22 rear frame of a first semitrailer which allows for a fifth-wheel  
23 connection point for the second semitrailer and has one less  
24 articulation point than the conventional A-dolly connected  
25 truck-tractor semitrailer-trailer combination;

26 (63) "Truck-trailer boat transporter combination", a boat  
27 transporter combination consisting of a straight truck towing a  
28 trailer using typically a ball and socket connection with the

1 trailer axle located substantially at the trailer center of  
2 gravity rather than the rear of the trailer but so as to maintain  
3 a downward force on the trailer tongue;

4 (64) "Used parts dealer", a business that buys and sells  
5 used motor vehicle parts or accessories, but not including a  
6 business that sells only new, remanufactured or rebuilt parts.  
7 "Business" does not include isolated sales at a swap meet of less  
8 than three days;

9 (65) "Utility vehicle", any motorized vehicle manufactured  
10 and used exclusively for off-highway use which is sixty-three  
11 inches or less in width, with an unladen dry weight of one  
12 thousand eight hundred fifty pounds or less, traveling on four or  
13 six wheels, to be used primarily for landscaping, lawn care, or  
14 maintenance purposes;

15 (66) "Vanpool", any van or other motor vehicle used or  
16 maintained by any person, group, firm, corporation, association,  
17 city, county or state agency, or any member thereof, for the  
18 transportation of not less than eight nor more than forty-eight  
19 employees, per motor vehicle, to and from their place of  
20 employment; however, a vanpool shall not be included in the  
21 definition of the term bus or commercial motor vehicle as defined  
22 by subdivisions (6) and (7) of this section, nor shall a vanpool  
23 driver be deemed a chauffeur as that term is defined by section  
24 [302.010] 303.020; nor shall use of a vanpool vehicle for  
25 ride-sharing arrangements, recreational, personal, or maintenance  
26 uses constitute an unlicensed use of the motor vehicle, unless  
27 used for monetary profit other than for use in a ride-sharing  
28 arrangement;

1           (67) "Vehicle", any mechanical device on wheels, designed  
2 primarily for use, or used, on highways, except motorized  
3 bicycles, vehicles propelled or drawn by horses or human power,  
4 or vehicles used exclusively on fixed rails or tracks, or cotton  
5 trailers or motorized wheelchairs operated by handicapped  
6 persons;

7           (68) "Wrecker" or "tow truck", any emergency commercial  
8 vehicle equipped, designed and used to assist or render aid and  
9 transport or tow disabled or wrecked vehicles from a highway,  
10 road, street or highway rights-of-way to a point of storage or  
11 repair, including towing a replacement vehicle to replace a  
12 disabled or wrecked vehicle;

13           (69) "Wrecker or towing service", the act of transporting,  
14 towing or recovering with a wrecker, tow truck, rollback or car  
15 carrier any vehicle not owned by the operator of the wrecker, tow  
16 truck, rollback or car carrier for which the operator directly or  
17 indirectly receives compensation or other personal gain.

18           301.032. 1. Notwithstanding the provisions of sections  
19 301.030 and 301.035 to the contrary, the director of revenue  
20 shall establish a system of registration of all fleet vehicles  
21 owned or purchased by a fleet owner registered pursuant to this  
22 section. The director of revenue shall prescribe the forms for  
23 such fleet registration and the forms and procedures for the  
24 registration updates prescribed in this section. Any owner of  
25 ten or more motor vehicles which must be registered in accordance  
26 with this chapter may register as a fleet owner. All registered  
27 fleet owners may, at their option, register all motor vehicles  
28 included in the fleet on a calendar year or biennial basis

1 pursuant to this section in lieu of the registration periods  
2 provided in sections 301.030, 301.035, and 301.147. The director  
3 shall issue an identification number to each registered owner of  
4 fleet vehicles.

5       2. All fleet vehicles included in the fleet of a registered  
6 fleet owner shall be registered during April [each year] of the  
7 corresponding year or on a prorated basis as provided in  
8 subsection 3 of this section. Fees of all vehicles in the fleet  
9 to be registered on a calendar year basis or on a biennial basis  
10 shall be payable not later than the last day of April of [each  
11 year] the corresponding year, with two years' fees due for  
12 biennially-registered vehicles. Notwithstanding the provisions  
13 of section 307.355, an application for registration of a fleet  
14 vehicle must be accompanied by a certificate of inspection and  
15 approval issued no more than one hundred twenty days prior to the  
16 date of application. The fees for vehicles added to the fleet  
17 which must be licensed at the time of registration shall be  
18 payable at the time of registration, except that when such  
19 vehicle is licensed between July first and September thirtieth  
20 the fee shall be three-fourths the annual fee, when licensed  
21 between October first and December thirty-first the fee shall be  
22 one-half the annual fee and when licensed on or after January  
23 first the fee shall be one-fourth the annual fee. When biennial  
24 registration is sought for vehicles added to a fleet, an  
25 additional year's annual fee will be added to the partial year's  
26 prorated fee.

27       3. At any time during the calendar year in which an owner  
28 of a fleet purchases or otherwise acquires a vehicle which is to

1 be added to the fleet or transfers plates to a fleet vehicle, the  
2 owner shall present to the director of revenue the identification  
3 number as a fleet number and may register the vehicle for the  
4 partial year as provided in subsection 2 of this section. The  
5 fleet owner shall also be charged a transfer fee of two dollars  
6 for each vehicle so transferred pursuant to this subsection.

7 4. Except as specifically provided in this subsection, all  
8 fleet vehicles registered pursuant to this section shall be  
9 issued a special license plate which shall have the words "Fleet  
10 Vehicle" in place of the words "Show-Me State" in the manner  
11 prescribed by the advisory committee established in section  
12 301.129. Alternatively, for a one-time additional five dollar  
13 per-vehicle fee beyond the regular registration fee, [owners of]  
14 a fleet owner of at least fifty fleet vehicles may apply for  
15 fleet license plates bearing a company name or logo, the size and  
16 design thereof subject to approval by the director. All fleet  
17 license plates shall be made with fully reflective material with  
18 a common color scheme and design, shall be clearly visible at  
19 night, and shall be aesthetically attractive, as prescribed by  
20 section 301.130. Fleet vehicles shall be issued multiyear  
21 license plates as provided in this section which shall not  
22 require issuance of a renewal tab. Upon payment of appropriate  
23 registration fees, the director of revenue shall issue a  
24 registration certificate or other suitable evidence of payment of  
25 the annual or biennial fee, and such evidence of payment shall be  
26 carried at all times in the vehicle for which it is issued. The  
27 director of revenue shall promulgate rules and regulations  
28 establishing the procedure for application and issuance of fleet

1 vehicle license plates.

2 5. Notwithstanding the provisions of sections 307.350 to  
3 307.390 to the contrary, a fleet vehicle registered in Missouri  
4 is exempt from the requirements of sections 307.350 to 307.390 if  
5 at the time of the annual fleet registration, such fleet vehicle  
6 is situated outside the state of Missouri.

7 301.069. 1. A driveaway license plate may not be used on a  
8 vehicle used or operated on a highway except for the purpose of  
9 transporting vehicles in transit. Driveaway license plates may  
10 not be used by tow truck operators transporting wrecked,  
11 disabled, abandoned, improperly parked, or burned vehicles.  
12 Driveaway license plates shall only be used by owners, corporate  
13 officers, or employees of the business to which the plate was  
14 issued. For each driveaway license there shall be paid an annual  
15 license fee of forty-four dollars and fifty cents for one set of  
16 plates or such insignia as the director may issue which shall be  
17 attached to the motor vehicle as prescribed in this chapter.  
18 Applicants may choose to obtain biennial driveaway licenses. The  
19 fee for biennial driveaway licenses shall be eighty-nine dollars.  
20 For single trips the fee shall be four dollars, and descriptive  
21 insignia shall be prepared and issued at the discretion of the  
22 director who shall also prescribe the type of equipment used to  
23 attach such vehicles in combinations.

24 2. No driveaway license plates shall be issued by the  
25 director of revenue unless the applicant therefor shall make  
26 application for such plate and shall therein include:

27 (1) The business name, business street address, and  
28 business telephone number of the applicant;

1       (2) The business owner's full name, date of birth, driver's  
2       license number or nondriver's license number, residence street  
3       address, and residence telephone number;

4       (3) The signature and printed name of the business owner or  
5       authorized representative of the business presenting such  
6       application; and

7       (4) A statement explaining what the driveaway license plate  
8       or plates will be used for. The applicant shall provide  
9       certification of proof of financial responsibility, as defined in  
10       section 303.020, sufficient to cover each motor vehicle the  
11       applicant shall operate or otherwise move on the streets or  
12       highways, through use of the driveaway license plate, during the  
13       period of registration. The applicant shall provide such  
14       certification by affixing a copy of said certification to the  
15       application. The application shall include a photograph, not to  
16       exceed eight inches by ten inches but no less than five inches by  
17       seven inches, showing the business building and sign of the  
18       applicant's business. The applicant shall maintain a working,  
19       landline telephone at the applicant's place of business  
20       throughout the registration period. The applicant shall maintain  
21       certification of proof of financial responsibility as described  
22       herein throughout the registration period.

23       3. If any of the information required by this section to be  
24       reported by the applicant changes during the registration period,  
25       the applicant shall report said changes to the department of  
26       revenue within ten days of the date of the change.

27       4. Any violation of this section or misrepresentation  
28       contained in an application for driveaway license plate shall

1 result in the revocation of the applicant's driveaway license  
2 plate and any subsequent application for a driveaway license  
3 plate shall be denied for two years from the date of violation.  
4 "Applicant" shall include any officer of a business or any  
5 employee or agent thereof.

6 5. Any person who knowingly uses a revoked driveaway  
7 license plate shall be deemed guilty of a class A misdemeanor.

8 301.140. 1. Upon the transfer of ownership of any motor  
9 vehicle or trailer, the certificate of registration and the right  
10 to use the number plates shall expire and the number plates shall  
11 be removed by the owner at the time of the transfer of  
12 possession, and it shall be unlawful for any person other than  
13 the person to whom such number plates were originally issued to  
14 have the same in his or her possession whether in use or not,  
15 unless such possession is solely for charitable purposes; except  
16 that the buyer of a motor vehicle or trailer who trades in a  
17 motor vehicle or trailer may attach the license plates from the  
18 traded-in motor vehicle or trailer to the newly purchased motor  
19 vehicle or trailer. The operation of a motor vehicle with such  
20 transferred plates shall be lawful for no more than thirty days.  
21 As used in this subsection, the term "trade-in motor vehicle or  
22 trailer" shall include any single motor vehicle or trailer sold  
23 by the buyer of the newly purchased vehicle or trailer, as long  
24 as the license plates for the trade-in motor vehicle or trailer  
25 are still valid.

26 2. In the case of a transfer of ownership the original  
27 owner may register another motor vehicle under the same number,  
28 upon the payment of a fee of two dollars, if the motor vehicle is



1 of horsepower, gross weight or (in the case of a  
2 passenger-carrying commercial motor vehicle) seating capacity,  
3 not in excess of that originally registered. When such motor  
4 vehicle is of greater horsepower, gross weight or (in the case of  
5 a passenger-carrying commercial motor vehicle) seating capacity,  
6 for which a greater fee is prescribed, applicant shall pay a  
7 transfer fee of two dollars and a pro rata portion for the  
8 difference in fees. When such vehicle is of less horsepower,  
9 gross weight or (in case of a passenger-carrying commercial motor  
10 vehicle) seating capacity, for which a lesser fee is prescribed,  
11 applicant shall not be entitled to a refund.

12 3. License plates may be transferred from a motor vehicle  
13 which will no longer be operated to a newly purchased motor  
14 vehicle by the owner of such vehicles. The owner shall pay a  
15 transfer fee of two dollars if the newly purchased vehicle is of  
16 horsepower, gross weight or (in the case of a passenger-carrying  
17 commercial motor vehicle) seating capacity, not in excess of that  
18 of the vehicle which will no longer be operated. When the newly  
19 purchased motor vehicle is of greater horsepower, gross weight or  
20 (in the case of a passenger-carrying commercial motor vehicle)  
21 seating capacity, for which a greater fee is prescribed, the  
22 applicant shall pay a transfer fee of two dollars and a pro rata  
23 portion of the difference in fees. When the newly purchased  
24 vehicle is of less horsepower, gross weight or (in the case of a  
25 passenger-carrying commercial motor vehicle) seating capacity,  
26 for which a lesser fee is prescribed, the applicant shall not be  
27 entitled to a refund.

28 4. Upon the sale of a motor vehicle or trailer by a dealer,

1 a buyer who has made application for registration, by mail or  
2 otherwise, may operate the same for a period of thirty days after  
3 taking possession thereof, if during such period the motor  
4 vehicle or trailer shall have attached thereto, in the manner  
5 required by section 301.130, number plates issued to the dealer.  
6 Upon application and presentation of proof of financial  
7 responsibility as required under subsection 5 of this section and  
8 satisfactory evidence that the buyer has applied for  
9 registration, a dealer may furnish such number plates to the  
10 buyer for such temporary use. In such event, the dealer shall  
11 require the buyer to deposit the sum of ten dollars and fifty  
12 cents to be returned to the buyer upon return of the number  
13 plates as a guarantee that said buyer will return to the dealer  
14 such number plates within thirty days. The director shall issue  
15 a temporary permit authorizing the operation of a motor vehicle  
16 or trailer by a buyer for not more than thirty days of the date  
17 of purchase.

18 5. The temporary permit shall be made available by the  
19 director of revenue and may be purchased from the department of  
20 revenue upon proof of purchase of a motor vehicle or trailer for  
21 which the buyer has no registration plate available for transfer  
22 and upon proof of financial responsibility, or from a dealer upon  
23 purchase of a motor vehicle or trailer for which the buyer has no  
24 registration plate available for transfer. The director shall  
25 make temporary permits available to registered dealers in this  
26 state or authorized agents of the department of revenue in sets  
27 of ten permits. The fee for the temporary permit shall be seven  
28 dollars and fifty cents for each permit or plate issued. No

1 dealer or authorized agent shall charge more than seven dollars  
2 and fifty cents for each permit issued. The permit shall be  
3 valid for a period of thirty days from the date of purchase of a  
4 motor vehicle or trailer, or from the date of sale of the motor  
5 vehicle or trailer by a dealer for which the purchaser obtains a  
6 permit as set out above. No permit shall be issued for a vehicle  
7 under this section unless the buyer shows proof of financial  
8 responsibility.

9 6. The permit shall be issued on a form prescribed by the  
10 director and issued only for the applicant's use in the operation  
11 of the motor vehicle or trailer purchased to enable the applicant  
12 to legally operate the vehicle while proper title and  
13 registration plate are being obtained, and shall be displayed on  
14 no other vehicle. Temporary permits issued pursuant to this  
15 section shall not be transferable or renewable and shall not be  
16 valid upon issuance of proper registration plates for the motor  
17 vehicle or trailer. The director shall determine the size and  
18 numbering configuration, construction, and color of the permit.

19 7. The dealer or authorized agent shall insert the date of  
20 issuance and expiration date, year, make, and manufacturer's  
21 number of vehicle on the permit when issued to the buyer. The  
22 dealer shall also insert such dealer's number on the permit.  
23 Every dealer that issues a temporary permit shall keep, for  
24 inspection of proper officers, a correct record of each permit  
25 issued by recording the permit or plate number, buyer's name and  
26 address, year, make, manufacturer's vehicle identification number  
27 on which the permit is to be used, and the date of issuance.

28 8. Upon the transfer of ownership of any currently

1 registered motor vehicle wherein the owner cannot transfer the  
2 license plates due to a change of vehicle category, the owner may  
3 surrender the license plates issued to the motor vehicle and  
4 receive credit for any unused portion of the original  
5 registration fee against the registration fee of another motor  
6 vehicle. Such credit shall be granted based upon the date the  
7 license plates are surrendered. No refunds shall be made on the  
8 unused portion of any license plates surrendered for such credit.

9 9. An additional temporary license plate produced in a  
10 manner and of materials determined by the director to be the most  
11 cost effective means of production with a configuration that  
12 matches an existing or newly issued plate may be purchased by a  
13 motor vehicle owner to be placed in the interior of the vehicle's  
14 rear window such that the driver's view out of the rear window is  
15 not obstructed and the plate configuration is clearly visible  
16 from the outside of the vehicle to serve as the visible plate  
17 when a bicycle rack or other item obstructs the view of the  
18 actual plate. Such temporary plate is only authorized for use  
19 when the matching actual plate is affixed to the vehicle in the  
20 manner prescribed in subsection 5 of section 301.130. The fee  
21 charged for the temporary plate shall be equal to the fee charged  
22 for a temporary permit issued under subsection 5 of this section.  
23 Replacement temporary plates authorized in this subsection may be  
24 issued as needed upon the payment of a fee equal to the fee  
25 charged for a temporary permit under subsection 5 of this  
26 section. The newly produced third plate may only be used on the  
27 vehicle with the matching plate, and the additional plate shall  
28 be clearly recognizable as a third plate and only used for the

1 purpose specified in this subsection.

2 10. The director may promulgate all necessary rules and  
3 regulations for the administration of this section. Any rule or  
4 portion of a rule, as that term is defined in section 536.010,  
5 that is created under the authority delegated in this section  
6 shall become effective only if it complies with and is subject to  
7 all of the provisions of chapter 536 and, if applicable, section  
8 536.028. This section and chapter 536 are nonseverable and if  
9 any of the powers vested with the general assembly pursuant to  
10 chapter 536 to review, to delay the effective date, or to  
11 disapprove and annul a rule are subsequently held  
12 unconstitutional, then the grant of rulemaking authority and any  
13 rule proposed or adopted after August 28, 2012, shall be invalid  
14 and void.

15 301.216. Department investigators licensed as peace  
16 officers by the director of the department of public safety under  
17 chapter 590 shall be deemed to be peace officers within the state  
18 of Missouri while acting in an investigation to enforce the  
19 provisions of this chapter and any provisions regarding fees,  
20 licenses, or taxes administered by the director. The power of  
21 arrest of a department investigator acting as a peace officer  
22 shall be limited to offenses involving fees, licenses, taxes, or  
23 in situations of imminent danger to the investigator or another  
24 person.

25 301.218. 1. No person shall, except as an incident to the  
26 sale, repair, rebuilding or servicing of vehicles by a licensed  
27 franchised motor vehicle dealer, carry on or conduct the  
28 following business unless licensed to do so by the department of

1 revenue under sections 301.217 to 301.229:

2 (1) Selling used parts of or used accessories for vehicles  
3 as a used parts dealer, as defined in section 301.010;

4 (2) Salvaging, wrecking or dismantling vehicles for resale  
5 of the parts thereof as a salvage dealer or dismantler, as  
6 defined in section 301.010;

7 (3) Rebuilding and repairing four or more wrecked or  
8 dismantled vehicles in a calendar year as a rebuilder or body  
9 shop, as defined in section 301.010;

10 (4) Processing scrapped vehicles or vehicle parts as a  
11 [mobile] scrap processor, as defined in section 301.010.

12 2. Sales at a salvage pool or a salvage disposal sale shall  
13 be open only to and made to persons actually engaged in and  
14 holding a current license under sections 301.217 to 301.221 and  
15 301.550 to 301.573 or any person from another state or  
16 jurisdiction who is legally allowed in his or her state of  
17 domicile to purchase for resale, rebuild, dismantle, crush, or  
18 scrap either motor vehicles or salvage vehicles, and to persons  
19 who reside in a foreign country that are purchasing salvage  
20 vehicles for export outside of the United States. Operators of  
21 salvage pools or salvage disposal sales shall keep a record, for  
22 three years, of sales of salvage vehicles with the purchasers'  
23 name and address, and the year, make, and vehicle identification  
24 number for each vehicle. These records shall be open for  
25 inspection as provided in section 301.225. Such records shall be  
26 submitted to the department on a quarterly basis.

27 3. The operator of a salvage pool or salvage disposal sale,  
28 or subsequent purchaser, who sells a nonrepairable motor vehicle

1 or a salvage motor vehicle to a person who is not a resident of  
2 the United States at a salvage pool or a salvage disposal sale  
3 shall:

4 (1) Stamp on the face of the title so as not to obscure any  
5 name, date, or mileage statement on the title the words "FOR  
6 EXPORT ONLY" in capital letters that are black; and

7 (2) Stamp in each unused reassignment space on the back of  
8 the title the words "FOR EXPORT ONLY" and print the number of the  
9 dealer's salvage vehicle license, name of the salvage pool, or  
10 the name of the governmental entity, as applicable. The words  
11 "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this  
12 subsection shall be at least two inches wide and clearly legible.  
13 Copies of the stamped titles shall be forwarded to the  
14 department.

15 4. The director of revenue shall issue a separate license  
16 for each kind of business described in subsection 1 of this  
17 section, to be entitled and designated as either "used parts  
18 dealer"; "salvage dealer or dismantler"; "rebuilder or body  
19 shop"; or "[mobile] scrap processor" license.

20 301.260. 1. The director of revenue shall issue  
21 certificates for all cars owned by the state of Missouri and  
22 shall assign to each of such cars two plates bearing the words:  
23 "State of Missouri, official car number ....."  
24 (with the number inserted thereon), which plates shall be  
25 displayed on such cars when they are being used on the highways.  
26 No officer or employee or other person shall use such a motor  
27 vehicle for other than official use.

28 2. Motor vehicles used as ambulances, patrol wagons and

1 fire apparatus, owned by any municipality of this state, shall be  
2 exempt from all of the provisions of sections 301.010 to 301.440  
3 while being operated within the limits of such municipality, but  
4 the municipality may regulate the speed and use of such motor  
5 vehicles owned by them; and all other motor vehicles owned by  
6 municipalities, counties and other political subdivisions of the  
7 state shall be exempt from the provisions of sections 301.010 to  
8 301.440 requiring registration, proof of ownership and display of  
9 number plates; provided, however, that there shall be [displayed]  
10 a plate, or, on each side of such motor vehicle, [in] letters not  
11 less than three inches in height with a stroke of not less than  
12 three-eighths of an inch wide, to display the name of such  
13 municipality, county or political subdivision, the department  
14 thereof, and a distinguishing number. Provided, further, that  
15 when any motor vehicle is owned and operated exclusively by any  
16 school district and used solely for transportation of school  
17 children, the commissioner shall assign to each of such motor  
18 vehicles two plates bearing the words "School Bus, State of  
19 Missouri, car no. ...." (with the number inserted  
20 thereon), which plates shall be displayed on such motor vehicles  
21 when they are being used on the highways. No officer, or  
22 employee of the municipality, county or subdivision, or any other  
23 person shall operate such a motor vehicle unless the same is  
24 marked as herein provided, and no officer, employee or other  
25 person shall use such a motor vehicle for other than official  
26 purposes.

27 3. For registration purposes only, a public school or  
28 college shall be considered the temporary owner of a vehicle



1     acquired from a new motor vehicle franchised dealer which is to  
2     be used as a courtesy vehicle or a driver training vehicle. The  
3     school or college shall present to the director of revenue a copy  
4     of a lease agreement with an option to purchase clause between  
5     the authorized new motor vehicle franchised dealer and the school  
6     or college and a photocopy of the front of the dealer's vehicle  
7     manufacturer's statement of origin, and shall make application  
8     for and be granted a nonnegotiable certificate of ownership and  
9     be issued the appropriate license plates. Registration plates  
10    are not necessary on a driver training vehicle when the motor  
11    vehicle is plainly marked as a driver training vehicle while  
12    being used for such purpose and such vehicle can also be used in  
13    conjunction with the activities of the educational institution.

14         4. As used in this section, the term "political  
15    subdivision" is intended to include any township, road district,  
16    sewer district, school district, municipality, town or village,  
17    sheltered workshop, as defined in section 178.900, and any  
18    interstate compact agency which operates a public mass  
19    transportation system.

20         301.280. 1. Every motor vehicle dealer and boat dealer  
21    shall make a monthly report to the department of revenue, on  
22    blanks to be prescribed by the department of revenue, giving the  
23    following information: date of the sale of each motor vehicle,  
24    boat, trailer and all-terrain vehicle sold; the name and address  
25    of the buyer; the name of the manufacturer; year of manufacture;  
26    model of vehicle; vehicle identification number; style of  
27    vehicle; odometer setting; and it shall also state whether the  
28    motor vehicle, boat, trailer or all-terrain vehicle is new or

1 secondhand. Each monthly sales report filed by a motor vehicle  
2 dealer who collects sales tax under subsection 8 of section  
3 144.070 shall also include the amount of state and local sales  
4 tax collected for each motor vehicle sold if sales tax was due.  
5 The odometer reading is not required when reporting the sale of  
6 any motor vehicle that is ten years old or older, any motor  
7 vehicle having a gross vehicle weight rating of more than sixteen  
8 thousand pounds, new vehicles that are transferred on a  
9 manufacturer's statement of origin between one franchised motor  
10 vehicle dealer and another, or boats, all-terrain vehicles or  
11 trailers. The sale of all thirty-day temporary permits, without  
12 exception, shall be recorded in the appropriate space on the  
13 dealer's monthly sales report by recording the complete permit  
14 number issued on the motor vehicle or trailer sale listed. The  
15 monthly sales report shall be completed in full and signed by an  
16 officer, partner, or owner of the dealership, and actually  
17 received by the department of revenue on or before the fifteenth  
18 day of the month succeeding the month for which the sales are  
19 being reported. If no sales occur in any given month, a report  
20 shall be submitted for that month indicating no sales. Any  
21 vehicle dealer who fails to file a monthly report or who fails to  
22 file a timely report shall be subject to disciplinary action as  
23 prescribed in section 301.562 or a penalty assessed by the  
24 director not to exceed three hundred dollars per violation.  
25 Every motor vehicle and boat dealer shall retain copies of the  
26 monthly sales report as part of the records to be maintained at  
27 the dealership location and shall hold them available for  
28 inspection by appropriate law enforcement officials and officials

1 of the department of revenue. Every vehicle dealer selling  
2 twenty or more vehicles a month shall file the monthly sales  
3 report with the department in an electronic format. Any dealer  
4 filing a monthly sales report in an electronic format shall be  
5 exempt from filing the notice of transfer required by section  
6 301.196. For any dealer not filing electronically, the notice of  
7 transfer required by section 301.196 shall be submitted with the  
8 monthly sales report as prescribed by the director.

9 2. Every dealer and every person operating a public garage  
10 shall keep a correct record of the vehicle identification number,  
11 odometer setting, manufacturer's name of all motor vehicles or  
12 trailers accepted by him for the purpose of sale, rental,  
13 storage, repair or repainting, together with the name and address  
14 of the person delivering such motor vehicle or trailer to the  
15 dealer or public garage keeper, and the person delivering such  
16 motor vehicle or trailer shall record such information in a file  
17 kept by the dealer or garage keeper. The record shall be kept  
18 for ~~[three]~~ five years and be open for inspection by law  
19 enforcement officials, members or authorized or designated  
20 employees of the Missouri highway patrol, and persons, agencies  
21 and officials designated by the director of revenue.

22 3. Every dealer and every person operating a public garage  
23 in which a motor vehicle remains unclaimed for a period of  
24 fifteen days shall, within five days after the expiration of that  
25 period, report the motor vehicle as unclaimed to the director of  
26 revenue. Such report shall be on a form prescribed by the  
27 director of revenue. A motor vehicle left by its owner whose  
28 name and address are known to the dealer or his employee or

1 person operating a public garage or his employee is not  
2 considered unclaimed. Any dealer or person operating a public  
3 garage who fails to report a motor vehicle as unclaimed as herein  
4 required forfeits all claims and liens for its garaging, parking  
5 or storing.

6 4. The director of revenue shall maintain appropriately  
7 indexed cumulative records of unclaimed vehicles reported to the  
8 director. Such records shall be kept open to public inspection  
9 during reasonable business hours.

10 5. The alteration or obliteration of the vehicle  
11 identification number on any such motor vehicle shall be prima  
12 facie evidence of larceny, and the dealer or person operating  
13 such public garage shall upon the discovery of such obliteration  
14 or alteration immediately notify the highway patrol, sheriff,  
15 marshal, constable or chief of police of the municipality where  
16 the dealer or garage keeper has his place of business, and shall  
17 hold such motor vehicle or trailer for a period of forty-eight  
18 hours for the purpose of an investigation by the officer so  
19 notified.

20 6. Any person who knowingly makes a false statement or  
21 omission of a material fact in a monthly sales report to the  
22 department of revenue, as described in subsection 1 of this  
23 section, shall be deemed guilty of a class A misdemeanor.

24 301.559. 1. It shall be unlawful for any person to engage  
25 in business as or act as a motor vehicle dealer, boat dealer,  
26 manufacturer, boat manufacturer, public motor vehicle auction,  
27 wholesale motor vehicle auction or wholesale motor vehicle dealer  
28 without first obtaining a license from the department as required

1 in sections 301.550 to 301.573. Any person who maintains or  
2 operates any business wherein a license is required pursuant to  
3 the provisions of sections 301.550 to 301.573, without such  
4 license, is guilty of a class A misdemeanor. Any person  
5 committing a second violation of sections 301.550 to 301.573  
6 shall be guilty of a class D felony.

7 2. All dealer licenses shall expire on December  
8 thirty-first of [each year] the designated license period. The  
9 department shall notify each person licensed under sections  
10 301.550 to 301.573 of the date of license expiration and the  
11 amount of the fee required for renewal. The notice shall be  
12 mailed at least ninety days before the date of license expiration  
13 to the licensee's last known business address. The director  
14 shall have the authority to issue licenses valid for a period of  
15 up to two years and to stagger the license periods for  
16 administrative efficiency and equalization of workload, at the  
17 sole discretion of the director.

18 3. Every manufacturer, boat manufacturer, motor vehicle  
19 dealer, wholesale motor vehicle dealer, wholesale motor vehicle  
20 auction, boat dealer or public motor vehicle auction shall make  
21 application to the department for issuance of a license. The  
22 application shall be on forms prescribed by the department and  
23 shall be issued under the terms and provisions of sections  
24 301.550 to 301.573 and require all applicants, as a condition  
25 precedent to the issuance of a license, to provide such  
26 information as the department may deem necessary to determine  
27 that the applicant is bona fide and of good moral character,  
28 except that every application for a license shall contain, in

1 addition to such information as the department may require, a  
2 statement to the following facts:

3 (1) The name and business address, not a post office box,  
4 of the applicant and the fictitious name, if any, under which he  
5 intends to conduct his business; and if the applicant be a  
6 partnership, the name and residence address of each partner, an  
7 indication of whether the partner is a limited or general partner  
8 and the name under which the partnership business is to be  
9 conducted. In the event that the applicant is a corporation, the  
10 application shall list the names of the principal officers of the  
11 corporation and the state in which it is incorporated. Each  
12 application shall be verified by the oath or affirmation of the  
13 applicant, if an individual, or in the event an applicant is a  
14 partnership or corporation, then by a partner or officer;

15 (2) Whether the application is being made for registration  
16 as a manufacturer, boat manufacturer, new motor vehicle franchise  
17 dealer, used motor vehicle dealer, wholesale motor vehicle  
18 dealer, boat dealer, wholesale motor vehicle auction or a public  
19 motor vehicle auction;

20 (3) When the application is for a new motor vehicle  
21 franchise dealer, the application shall be accompanied by a copy  
22 of the franchise agreement in the registered name of the  
23 dealership setting out the appointment of the applicant as a  
24 franchise holder and it shall be signed by the manufacturer, or  
25 his authorized agent, or the distributor, or his authorized  
26 agent, and shall include a description of the make of all motor  
27 vehicles covered by the franchise. The department shall not  
28 require a copy of the franchise agreement to be submitted with

1 each renewal application unless the applicant is now the holder  
2 of a franchise from a different manufacturer or distributor from  
3 that previously filed, or unless a new term of agreement has been  
4 entered into;

5 (4) When the application is for a public motor vehicle  
6 auction, that the public motor vehicle auction has met the  
7 requirements of section 301.561.

8 4. No insurance company, finance company, credit union,  
9 savings and loan association, bank or trust company shall be  
10 required to obtain a license from the department in order to sell  
11 any motor vehicle, trailer or vessel repossessed or purchased by  
12 the company on the basis of total destruction or theft thereof  
13 when the sale of the motor vehicle, trailer or vessel is in  
14 conformance with applicable title and registration laws of this  
15 state.

16 5. No person shall be issued a license to conduct a public  
17 motor vehicle auction or wholesale motor vehicle auction if such  
18 person has a violation of sections 301.550 to 301.573 or other  
19 violations of chapter 301, sections 407.511 to 407.556, or  
20 section 578.120 which resulted in a felony conviction or finding  
21 of guilt or a violation of any federal motor vehicle laws which  
22 resulted in a felony conviction or finding of guilt.

23 301.560. 1. In addition to the application forms  
24 prescribed by the department, each applicant shall submit the  
25 following to the department:

26 (1) Every application other than a renewal application for  
27 a motor vehicle franchise dealer shall include a certification  
28 that the applicant has a bona fide established place of business.

1 Such application shall include an annual certification that the  
2 applicant has a bona fide established place of business for the  
3 first three years and only for every other year thereafter. The  
4 certification shall be performed by a uniformed member of the  
5 Missouri state highway patrol or authorized or designated  
6 employee stationed in the troop area in which the applicant's  
7 place of business is located; except that in counties of the  
8 first classification, certification may be performed by an  
9 officer of a metropolitan police department when the applicant's  
10 established place of business of distributing or selling motor  
11 vehicles or trailers is in the metropolitan area where the  
12 certifying metropolitan police officer is employed. When the  
13 application is being made for licensure as a boat manufacturer or  
14 boat dealer, certification shall be performed by a uniformed  
15 member of the Missouri state water patrol stationed in the  
16 district area in which the applicant's place of business is  
17 located or by a uniformed member of the Missouri state highway  
18 patrol stationed in the troop area in which the applicant's place  
19 of business is located or, if the applicant's place of business  
20 is located within the jurisdiction of a metropolitan police  
21 department in a first class county, by an officer of such  
22 metropolitan police department. A bona fide established place of  
23 business for any new motor vehicle franchise dealer, used motor  
24 vehicle dealer, boat dealer, powersport dealer, wholesale motor  
25 vehicle dealer, trailer dealer, or wholesale or public auction  
26 shall be a permanent enclosed building or structure, either owned  
27 in fee or leased and actually occupied as a place of business by  
28 the applicant for the selling, bartering, trading, servicing, or



1 exchanging of motor vehicles, boats, personal watercraft, or  
2 trailers and wherein the public may contact the owner or operator  
3 at any reasonable time, and wherein shall be kept and maintained  
4 the books, records, files and other matters required and  
5 necessary to conduct the business. The applicant's place of  
6 business shall contain a working telephone which shall be  
7 maintained during the entire registration year. In order to  
8 qualify as a bona fide established place of business for all  
9 applicants licensed pursuant to this section there shall be an  
10 exterior sign displayed carrying the name of the business set  
11 forth in letters at least six inches in height and clearly  
12 visible to the public and there shall be an area or lot which  
13 shall not be a public street on which multiple vehicles, boats,  
14 personal watercraft, or trailers may be displayed. The sign  
15 shall contain the name of the dealership by which it is known to  
16 the public through advertising or otherwise, which need not be  
17 identical to the name appearing on the dealership's license so  
18 long as such name is registered as a fictitious name with the  
19 secretary of state, has been approved by its line-make  
20 manufacturer in writing in the case of a new motor vehicle  
21 franchise dealer and a copy of such fictitious name registration  
22 has been provided to the department. Dealers who sell only  
23 emergency vehicles as defined in section 301.550 are exempt from  
24 maintaining a bona fide place of business, including the related  
25 law enforcement certification requirements, and from meeting the  
26 minimum yearly sales;

27 (2) The initial application for licensure shall include a  
28 photograph, not to exceed eight inches by ten inches but no less

1 than five inches by seven inches, showing the business building,  
2 lot, and sign. A new motor vehicle franchise dealer applicant  
3 who has purchased a currently licensed new motor vehicle  
4 franchised dealership shall be allowed to submit a photograph of  
5 the existing dealership building, lot and sign but shall be  
6 required to submit a new photograph upon the installation of the  
7 new dealership sign as required by sections 301.550 to 301.573.  
8 Applicants shall not be required to submit a photograph annually  
9 unless the business has moved from its previously licensed  
10 location, or unless the name of the business or address has  
11 changed, or unless the class of business has changed;

12 (3) Every applicant as a new motor vehicle franchise  
13 dealer, a used motor vehicle dealer, a powersport dealer, a  
14 wholesale motor vehicle dealer, trailer dealer, or boat dealer  
15 shall furnish with the application a corporate surety bond or an  
16 irrevocable letter of credit as defined in section **[400.5-103]**  
17 400.5-102, issued by any state or federal financial institution  
18 in the penal sum of twenty-five thousand dollars on a form  
19 approved by the department. The bond or irrevocable letter of  
20 credit shall be conditioned upon the dealer complying with the  
21 provisions of the statutes applicable to new motor vehicle  
22 franchise dealers, used motor vehicle dealers, powersport  
23 dealers, wholesale motor vehicle dealers, trailer dealers, and  
24 boat dealers, and the bond shall be an indemnity for any loss  
25 sustained by reason of the acts of the person bonded when such  
26 acts constitute grounds for the suspension or revocation of the  
27 dealer's license. The bond shall be executed in the name of the  
28 state of Missouri for the benefit of all aggrieved parties or the

1     irrevocable letter of credit shall name the state of Missouri as  
2     the beneficiary; except, that the aggregate liability of the  
3     surety or financial institution to the aggrieved parties shall,  
4     in no event, exceed the amount of the bond or irrevocable letter  
5     of credit. The proceeds of the bond or irrevocable letter of  
6     credit shall be paid upon receipt by the department of a final  
7     judgment from a Missouri court of competent jurisdiction against  
8     the principal and in favor of an aggrieved party. Additionally,  
9     every applicant as a new motor vehicle franchise dealer, a used  
10    motor vehicle dealer, a powersport dealer, a wholesale motor  
11    vehicle dealer, or boat dealer shall furnish with the application  
12    a copy of a current dealer garage policy bearing the policy  
13    number and name of the insurer and the insured;

14         (4) Payment of all necessary license fees as established by  
15    the department. In establishing the amount of the annual license  
16    fees, the department shall, as near as possible, produce  
17    sufficient total income to offset operational expenses of the  
18    department relating to the administration of sections 301.550 to  
19    [301.573] 301.580. All fees payable pursuant to the provisions  
20    of sections 301.550 to [301.573] 301.580, other than those fees  
21    collected for the issuance of dealer plates or certificates of  
22    number collected pursuant to subsection 6 of this section, shall  
23    be collected by the department for deposit in the state treasury  
24    to the credit of the "Motor Vehicle Commission Fund", which is  
25    hereby created. The motor vehicle commission fund shall be  
26    administered by the Missouri department of revenue. The  
27    provisions of section 33.080 to the contrary notwithstanding,  
28    money in such fund shall not be transferred and placed to the

1 credit of the general revenue fund until the amount in the motor  
2 vehicle commission fund at the end of the biennium exceeds two  
3 times the amount of the appropriation from such fund for the  
4 preceding fiscal year or, if the department requires permit  
5 renewal less frequently than yearly, then three times the  
6 appropriation from such fund for the preceding fiscal year. The  
7 amount, if any, in the fund which shall lapse is that amount in  
8 the fund which exceeds the multiple of the appropriation from  
9 such fund for the preceding fiscal year.

10 2. In the event a new vehicle manufacturer, boat  
11 manufacturer, motor vehicle dealer, wholesale motor vehicle  
12 dealer, boat dealer, powersport dealer, wholesale motor vehicle  
13 auction, trailer dealer, or a public motor vehicle auction  
14 submits an application for a license for a new business and the  
15 applicant has complied with all the provisions of this section,  
16 the department shall make a decision to grant or deny the license  
17 to the applicant within eight working hours after receipt of the  
18 dealer's application, notwithstanding any rule of the department.

19 3. Upon the initial issuance of a license by the  
20 department, the department shall assign a distinctive dealer  
21 license number or certificate of number to the applicant and the  
22 department shall issue one number plate or certificate bearing  
23 the distinctive dealer license number or certificate of number  
24 and two additional number plates or certificates of number within  
25 eight working hours after presentment of the application. Upon  
26 renewal, the department shall issue the distinctive dealer  
27 license number or certificate of number as quickly as possible.  
28 The issuance of such distinctive dealer license number or

certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise dealers... . D-0 through D-999

New powersport dealers and motorcycle

franchise dealers... . D-1000 through D-1999

Used motor vehicle, used powersport,

and used motorcycle dealers... . D-2000 through D-9999

Wholesale motor vehicle dealers... . W-0 through W-1999

Wholesale motor vehicle auctions... . WA-0 through WA-999

New and used trailer dealers... . T-0 through T-9999

Motor vehicle, trailer, and boat

manufacturers... . DM-0 through DM-999

Public motor vehicle auctions... . A-0 through A-1999

Boat dealers... . M-0 through M-9999

New and used recreational motor vehicle

dealers... . RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions

1 annually. In order for salvage dealers to obtain number plates  
2 or certificates under this section, dealers shall submit to the  
3 department of revenue on August first of each year a statement  
4 certifying, under penalty of perjury, the dealer's number of  
5 purchases during the reporting period of July first of the  
6 immediately preceding year to June thirtieth of the present year.  
7 The provisions of this subsection shall become effective on the  
8 date the director of the department of revenue begins to reissue  
9 new license plates under section 301.130, or on December 1, 2008,  
10 whichever occurs first. If the director of revenue begins  
11 reissuing new license plates under the authority granted under  
12 section 301.130 prior to December 1, 2008, the director of the  
13 department of revenue shall notify the revisor of statutes of  
14 such fact.

15 5. Upon the sale of a currently licensed new motor vehicle  
16 franchise dealership the department shall, upon request,  
17 authorize the new approved dealer applicant to retain the selling  
18 dealer's license number and shall cause the new dealer's records  
19 to indicate such transfer.

20 6. In the case of new motor vehicle manufacturers, motor  
21 vehicle dealers, powersport dealers, recreational motor vehicle  
22 dealers, and trailer dealers, the department shall issue one  
23 number plate bearing the distinctive dealer license number and  
24 may issue two additional number plates to the applicant upon  
25 payment by the manufacturer or dealer of a fifty dollar fee for  
26 the number plate bearing the distinctive dealer license number  
27 and ten dollars and fifty cents for each additional number plate.  
28 Such license plates shall be made with fully reflective material

1 with a common color scheme and design, shall be clearly visible  
2 at night, and shall be aesthetically attractive, as prescribed by  
3 section 301.130. Boat dealers and boat manufacturers shall be  
4 entitled to one certificate of number bearing such number upon  
5 the payment of a fifty dollar fee. Additional number plates and  
6 as many additional certificates of number may be obtained upon  
7 payment of a fee of ten dollars and fifty cents for each  
8 additional plate or certificate. New motor vehicle manufacturers  
9 shall not be issued or possess more than three hundred  
10 forty-seven additional number plates or certificates of number  
11 annually. New and used motor vehicle dealers, powersport  
12 dealers, wholesale motor vehicle dealers, boat dealers, and  
13 trailer dealers are limited to one additional plate or  
14 certificate of number per ten-unit qualified transactions  
15 annually. New and used recreational motor vehicle dealers are  
16 limited to two additional plates or certificate of number per  
17 ten-unit qualified transactions annually for their first fifty  
18 transactions and one additional plate or certificate of number  
19 per ten-unit qualified transactions thereafter. An applicant  
20 seeking the issuance of an initial license shall indicate on his  
21 or her initial application the applicant's proposed annual number  
22 of sales in order for the director to issue the appropriate  
23 number of additional plates or certificates of number. A motor  
24 vehicle dealer, trailer dealer, boat dealer, powersport dealer,  
25 recreational motor vehicle dealer, motor vehicle manufacturer,  
26 boat manufacturer, or wholesale motor vehicle dealer obtaining a  
27 distinctive dealer license plate or certificate of number or  
28 additional license plate or additional certificate of number,

1 throughout the calendar year, shall be required to pay a fee for  
2 such license plates or certificates of number computed on the  
3 basis of one-twelfth of the full fee prescribed for the original  
4 and duplicate number plates or certificates of number for such  
5 dealers' licenses, multiplied by the number of months remaining  
6 in the licensing period for which the dealer or manufacturers  
7 shall be required to be licensed. In the event of a renewing  
8 dealer, the fee due at the time of renewal shall not be prorated.  
9 Wholesale and public auctions shall be issued a certificate of  
10 dealer registration in lieu of a dealer number plate. In order  
11 for dealers to obtain number plates or certificates under this  
12 section, dealers shall submit to the department of revenue on  
13 August first of each year a statement certifying, under penalty  
14 of perjury, the dealer's number of sales during the reporting  
15 period of July first of the immediately preceding year to June  
16 thirtieth of the present year.

17 7. The plates issued pursuant to subsection 3 or 6 of this  
18 section may be displayed on any motor vehicle owned by a new  
19 motor vehicle manufacturer. The plates issued pursuant to  
20 subsection 3 or 6 of this section may be displayed on any motor  
21 vehicle or trailer owned and held for resale by a motor vehicle  
22 dealer for use by a customer who is test driving the motor  
23 vehicle, for use and display purposes during, but not limited to,  
24 parades, private events, charitable events, or for use by an  
25 employee or officer, but shall not be displayed on any motor  
26 vehicle or trailer hired or loaned to others or upon any  
27 regularly used service or wrecker vehicle. Motor vehicle dealers  
28 may display their dealer plates on a tractor, truck or trailer to



1 demonstrate a vehicle under a loaded condition. Trailer dealers  
2 may display their dealer license plates in like manner, except  
3 such plates may only be displayed on trailers owned and held for  
4 resale by the trailer dealer.

5 8. The certificates of number issued pursuant to subsection  
6 3 or 6 of this section may be displayed on any vessel or vessel  
7 trailer owned and held for resale by a boat manufacturer or a  
8 boat dealer, and used by a customer who is test driving the  
9 vessel or vessel trailer, or is used by an employee or officer on  
10 a vessel or vessel trailer only, but shall not be displayed on  
11 any motor vehicle owned by a boat manufacturer, boat dealer, or  
12 trailer dealer, or vessel or vessel trailer hired or loaned to  
13 others or upon any regularly used service vessel or vessel  
14 trailer. Boat dealers and boat manufacturers may display their  
15 certificate of number on a vessel or vessel trailer when  
16 transporting a vessel or vessels to an exhibit or show.

17 9. If any law enforcement officer has probable cause to  
18 believe that any license plate or certificate of number issued  
19 under subsection 3 or 6 of this section is being misused in  
20 violation of subsection 7 or 8 of this section, the license plate  
21 or certificate of number may be seized and surrendered to the  
22 department.

23 10. (1) Every application for the issuance of a used motor  
24 vehicle dealer's license shall be accompanied by proof that the  
25 applicant, within the last twelve months, has completed an  
26 educational seminar course approved by the department as  
27 prescribed by subdivision (2) of this subsection. Wholesale and  
28 public auto auctions and applicants currently holding a new or

1 used license for a separate dealership shall be exempt from the  
2 requirements of this subsection. The provisions of this  
3 subsection shall not apply to current new motor vehicle franchise  
4 dealers or motor vehicle leasing agencies or applicants for a new  
5 motor vehicle franchise or a motor vehicle leasing agency. The  
6 provisions of this subsection shall not apply to used motor  
7 vehicle dealers who were licensed prior to August 28, 2006.

8 (2) The educational seminar shall include, but is not  
9 limited to, the dealer requirements of sections 301.550 to  
10 301.573, the rules promulgated to implement, enforce, and  
11 administer sections 301.550 to 301.570, and any other rules and  
12 regulations promulgated by the department.

13 301.562. 1. The department may refuse to issue or renew  
14 any license required pursuant to sections 301.550 to 301.573 for  
15 any one or any combination of causes stated in subsection 2 of  
16 this section. The department shall notify the applicant or  
17 licensee in writing at his or her last known address of the  
18 reasons for the refusal to issue or renew the license and shall  
19 advise the applicant or licensee of his or her right to file a  
20 complaint with the administrative hearing commission as provided  
21 by chapter 621.

22 2. The department may cause a complaint to be filed with  
23 the administrative hearing commission as provided by chapter 621  
24 against any holder of any license issued under sections 301.550  
25 to 301.573 for any one or any combination of the following  
26 causes:

27 (1) The applicant or license holder was previously the  
28 holder of a license issued under sections 301.550 to 301.573,

1     which license was revoked for cause and never reissued by the  
2     department, or which license was suspended for cause and the  
3     terms of suspension have not been fulfilled;

4           (2)   The applicant or license holder was previously a  
5     partner, stockholder, director or officer controlling or managing  
6     a partnership or corporation whose license issued under sections  
7     301.550 to 301.573 was revoked for cause and never reissued or  
8     was suspended for cause and the terms of suspension have not been  
9     fulfilled;

10          (3)   The applicant or license holder has, within ten years  
11     prior to the date of the application, been finally adjudicated  
12     and found guilty, or entered a plea of guilty or nolo contendere,  
13     in a prosecution under the laws of any state or of the United  
14     States, for any offense reasonably related to the qualifications,  
15     functions, or duties of any business licensed under sections  
16     301.550 to 301.573; for any offense, an essential element of  
17     which is fraud, dishonesty, or an act of violence; or for any  
18     offense involving moral turpitude, whether or not sentence is  
19     imposed;

20          (4)   Use of fraud, deception, misrepresentation, or bribery  
21     in securing any license issued pursuant to sections 301.550 to  
22     301.573;

23          (5)   Obtaining or attempting to obtain any money,  
24     commission, fee, barter, exchange, or other compensation by  
25     fraud, deception, or misrepresentation;

26          (6)   Violation of, or assisting or enabling any person to  
27     violate any provisions of this chapter and chapters 143, 144,  
28     306, 307, 407, 578, and 643 or of any lawful rule or regulation

1 adopted pursuant to this chapter and chapters 143, 144, 306, 307,  
2 407, 578, and 643;

3 (7) The applicant or license holder has filed an  
4 application for a license which, as of its effective date, was  
5 incomplete in any material respect or contained any statement  
6 which was, in light of the circumstances under which it was made,  
7 false or misleading with respect to any material fact;

8 (8) The applicant or license holder has failed to pay the  
9 proper application or license fee or other fees required pursuant  
10 to this chapter or chapter 306 or fails to establish or maintain  
11 a bona fide place of business;

12 (9) Uses or permits the use of any special license or  
13 license plate assigned to the license holder for any purpose  
14 other than those permitted by law;

15 (10) The applicant or license holder is finally adjudged  
16 insane or incompetent by a court of competent jurisdiction;

17 (11) Use of any advertisement or solicitation which is  
18 false;

19 (12) Violations of sections 407.511 to 407.556, section  
20 578.120, which resulted in a conviction or finding of guilt or  
21 violation of any federal motor vehicle laws which result in a  
22 conviction or finding of guilt.

23 3. Any such complaint shall be filed within one year of the  
24 date upon which the department receives notice of an alleged  
25 violation of an applicable statute or regulation. After the  
26 filing of such complaint, the proceedings shall, except for the  
27 matters set forth in subsection 5 of this section, be conducted  
28 in accordance with the provisions of chapter 621. Upon a finding

1 by the administrative hearing commission that the grounds,  
2 provided in subsection 2 of this section, for disciplinary action  
3 are met, the department may, singly or in combination, refuse to  
4 issue the person a license, issue a license for a period of less  
5 than two years, issue a private reprimand, place the person on  
6 probation on such terms and conditions as the department deems  
7 appropriate for a period of one day to five years, suspend the  
8 person's license from one day to six days, or revoke the person's  
9 license for such period as the department deems appropriate. The  
10 applicant or licensee shall have the right to appeal the decision  
11 of the administrative hearing commission and department in the  
12 manner provided in chapter 536.

13 4. Upon the suspension or revocation of any person's  
14 license issued under sections 301.550 to 301.573, the department  
15 shall recall any distinctive number plates that were issued to  
16 that licensee. If any licensee who has been suspended or revoked  
17 shall neglect or refuse to surrender his or her license or  
18 distinctive number license plates issued under sections 301.550  
19 to 301.580, the director shall direct any agent or employee of  
20 the department or any law enforcement officer, to secure  
21 possession thereof and return such items to the director. For  
22 purposes of this subsection, a "law enforcement officer" means  
23 any member of the highway patrol, any sheriff or deputy sheriff,  
24 or any peace officer certified under chapter 590 acting in his or  
25 her official capacity. Failure of the licensee to surrender his  
26 or her license or distinctive number license plates upon demand  
27 by the director, any agent or employee of the department, or any  
28 law enforcement officer shall be a class A misdemeanor.

1       5. Notwithstanding the foregoing provisions of this  
2 section, the following events or acts by the holder of any  
3 license issued under sections 301.550 to 301.580 are deemed to  
4 present a clear and present danger to the public welfare and  
5 shall be considered cause for suspension or revocation of such  
6 license under the procedure set forth in subsection 6 of this  
7 section, at the discretion of the director:

8       (1) The expiration or revocation of any corporate surety  
9 bond or irrevocable letter of credit, as required by section  
10 301.560, without submission of a replacement bond or letter of  
11 credit which provides coverage for the entire period of  
12 licensure;

13       (2) The failure to maintain a bona fide established place  
14 of business as required by section 301.560;

15       (3) Criminal convictions as set forth in subdivision (3) of  
16 subsection 2 of this section; or

17       (4) Three or more occurrences of violations, which have  
18 been established following proceedings before the administrative  
19 hearing commission under subsection 3 of this section, or which  
20 have been established following proceedings before the director  
21 under subsection 6 of this section, of this chapter and chapters  
22 143, 144, 306, 307, 578, and 643 or of any lawful rule or  
23 regulation adopted under this chapter and chapters 143, 144, 306,  
24 307, 578, and 643, not previously set forth herein.

25       6. (1) Any license issued under sections 301.550 to  
26 301.580 shall be suspended or revoked, following an evidentiary  
27 hearing before the director or his or her designated hearing  
28 officer, if affidavits or sworn testimony by an authorized agent

1 of the department alleges the occurrence of any of the events or  
2 acts described in subsection 5 of this section.

3 (2) For any license which the department believes may be  
4 subject to suspension or revocation under this subsection, the  
5 director shall immediately issue a notice of hearing to the  
6 licensee of record. The director's notice of hearing:

7 (a) Shall be served upon the licensee personally or by  
8 first class mail to the dealer's last known address, as  
9 registered with the director;

10 (b) Shall be based on affidavits or sworn testimony  
11 presented to the director, and shall notify the licensee that  
12 such information presented therein constitutes cause to suspend  
13 or revoke the licensee's license;

14 (c) Shall provide the licensee with a minimum of ten days'  
15 notice prior to hearing;

16 (d) Shall specify the events or acts which may provide  
17 cause for suspension or revocation of the license, and shall  
18 include with the notice a copy of all affidavits, sworn testimony  
19 or other information presented to the director which support  
20 discipline of the license; and

21 (e) Shall inform the licensee that he or she has the right  
22 to attend the hearing and present any evidence in his or her  
23 defense, including evidence to show that the event or act which  
24 may result in suspension or revocation has been corrected to the  
25 director's satisfaction, and that he or she may be represented by  
26 counsel at the hearing.

27 (3) At any hearing before the director conducted under this  
28 subsection, the director or his or her designated hearing officer

1 shall consider all evidence relevant to the issue of whether the  
2 license should be suspended or revoked due to the occurrence of  
3 any of the acts set forth in subsection 5 herein. Within twenty  
4 business days after such hearing, the director or his or her  
5 designated hearing officer shall issue a written order, with  
6 findings of fact and conclusions of law, which either grants or  
7 denies the issuance of an order of suspension or revocation. The  
8 suspension or revocation shall be effective ten days after the  
9 date of the order. The written order of the director or his or  
10 her hearing officer shall be the final decision of the director  
11 and shall be subject to judicial review under the provisions of  
12 chapter 536.

13 (4) Notwithstanding the provisions of this chapter or  
14 chapter 610 or 621, to the contrary, the proceedings under this  
15 section shall be closed and no order shall be made public until  
16 it is final, for purposes of appeal.

17 301.567. 1. For purposes of this section, a violation of  
18 any of the following advertising standards shall be deemed an  
19 attempt by the advertising dealer to obtain a fee or other  
20 compensation by fraud, deception or misrepresentation in  
21 violation of section 301.562:

22 (1) A motor vehicle shall not be advertised as new, either  
23 by express terms or implication, unless it is a new motor vehicle  
24 as defined in section 301.550;

25 (2) When advertising any motor vehicle which is not a new  
26 motor vehicle, such advertisement must expressly identify that  
27 the motor vehicle is a used motor vehicle by express use of the  
28 term "used", or by such other term as is commonly understood to



1 mean that the vehicle is used;

2 (3) Any terms, conditions, and disclaimers relating to the  
3 advertised motor vehicle's price or financing options shall be  
4 stated clearly and conspicuously. An asterisk or other reference  
5 symbol may be used to point to a disclaimer or other information,  
6 but not be used as a means of contradicting or changing the  
7 meaning of an advertised statement;

8 (4) The expiration date, if any, of an advertised sale or  
9 vehicle price shall be clearly and conspicuously disclosed. In  
10 the absence of such disclosure, the advertised sale or vehicle  
11 price shall be deemed effective so long as such vehicles remain  
12 in the advertising dealership's inventory;

13 (5) The terms "list price", "sticker price", or "suggested  
14 retail price" shall be used only in reference to the  
15 manufacturer's suggested retail price for new motor vehicles,  
16 and, if used, shall be accompanied by a clear and conspicuous  
17 disclosure that such terms represent the manufacturer's suggested  
18 retail price of the advertised vehicle;

19 (6) Terms such as "at cost", "\$..... above cost",  
20 "invoice price", and "\$ ..... below/over invoice" shall not be  
21 used in advertisements because of the difficulty in determining a  
22 dealer's actual net cost at the time of the sale;

23 (7) When the price or financing terms of a motor vehicle  
24 are advertised, the vehicle shall be fully identified as to year,  
25 make, and model. In addition, in advertisements placed by  
26 individual dealers and not line-make marketing groups, the  
27 advertised price or credit terms shall include all charges which  
28 the buyer must pay to the dealer, except buyer-selected options

1 and state and local taxes. If a processing fee or freight or  
2 destination charges are not included in the advertised price, the  
3 amount of any such processing fee and freight or destination  
4 charge must be clearly and conspicuously disclosed within the  
5 advertisement;

6 (8) Advertisements of dealer rebates shall not be used,  
7 however, this shall not be deemed to prohibit the advertising of  
8 manufacturer rebates, so long as all material terms of such  
9 rebates are clearly and conspicuously disclosed;

10 (9) "Free"[, ] or "at no cost" shall not be used if any  
11 purchase is required to qualify for the free item, merchandise,  
12 or service;

13 (10) Bait advertising, in which an advertiser may have no  
14 intention to sell at the prices or terms advertised, shall not be  
15 used. Bait advertising shall include, but not be limited to, the  
16 following examples:

17 (a) Not having available for sale the advertised motor  
18 vehicles at the advertised prices. If a specific vehicle is  
19 advertised, the dealer shall be in possession of a reasonable  
20 supply of such vehicles, and they shall be available at the  
21 advertised price. If the advertised vehicle is available only in  
22 limited numbers or only by order, such limitations shall be  
23 stated in the advertisement;

24 (b) Advertising a motor vehicle at a specified price,  
25 including such terms as "as low as \$.....", but having  
26 available for sale only vehicles equipped with dealer-added cost  
27 options which increase the selling price above the advertised  
28 price;

1           (11) Any reference to monthly payments, down payments, or  
2 other reference to financing or leasing information shall be  
3 accompanied by a clear and conspicuous disclosure of the  
4 following:

5           (a) Whether the payment or other information relates to a  
6 financing or a lease transaction;

7           (b) If the payment or other information relates to a  
8 financing transaction, the minimum down payment, annual  
9 percentage interest rate, and number of payments necessary to  
10 obtain the advertised payment amount must be disclosed, in  
11 addition to any special qualifications required for obtaining the  
12 advertised terms including, but not limited to, first-time buyer  
13 discounts, college graduate discounts, and a statement concerning  
14 whether the advertised terms are subject to credit approval;

15           (c) If the payment or other information relates to a lease  
16 transaction, the total amount due from the purchaser at signing  
17 with such costs broken down and identified by category, lease  
18 term expressed in number of months, whether the lease is  
19 closed-end or open-end, and total cost to the lessee over the  
20 lease term in dollars;

21           (12) Any advertisement which states or implies that the  
22 advertising dealer has a special arrangement or relationship with  
23 the distributor or manufacturer, as compared to similarly  
24 situated dealers, shall not be used;

25           (13) Any advertisement which, in the circumstances under  
26 which it is made or applied, is false, deceptive, or misleading  
27 shall not be used;

28           (14) No abbreviations for industry words or phrases shall

1 be used in any advertisement unless such abbreviations are  
2 accompanied by the fully spelled or spoken words or phrases.

3 2. The requirements of this section shall apply regardless  
4 of whether a dealer advertises by means of print, broadcast, or  
5 electronic media, or direct mail. If the advertisement is by  
6 means of a broadcast or print media, a dealer may provide the  
7 disclaimers and disclosures required under subdivision (3) of  
8 subsection 1 of this section by reference to an Internet web page  
9 or toll-free telephone number containing the information required  
10 to be disclosed.

11 3. Dealers shall clearly and conspicuously identify  
12 themselves in each advertisement by use of a dealership name  
13 which complies with subsection 6 of section 301.560.

14 301.570. 1. It shall be unlawful for any person,  
15 partnership, corporation, company or association, unless the  
16 seller is a financial institution, or is selling repossessed  
17 motor vehicles or is disposing of vehicles used and titled solely  
18 in its ordinary course of business or is a collector of antique  
19 motor vehicles, to sell or display with an intent to sell six or  
20 more motor vehicles in a calendar year, except when such motor  
21 vehicles are registered in the name of the seller, unless such  
22 person, partnership, corporation, company or association is:

23 (1) Licensed as a motor vehicle dealer by the department  
24 under the provisions of sections 301.550 to 301.573;

25 (2) Exempt from licensure as a motor vehicle dealer  
26 pursuant to subsection 4 of section 301.559;

27 (3) Selling commercial motor vehicles with a gross weight  
28 of at least nineteen thousand five hundred pounds, but only with

1     respect to such commercial motor vehicles;

2             (4)   An auctioneer, acting at the request of the owner at an  
3     auction, when such auction is not a public motor vehicle auction.

4             2.   Any person, partnership, corporation, company or  
5     association that has reason to believe that the provisions of  
6     this section are being violated shall file a complaint with the  
7     prosecuting attorney in the county in which the violation  
8     occurred. The prosecuting attorney shall investigate the  
9     complaint and take appropriate action.

10            3.   For the purposes of sections 301.550 to 301.573, the  
11    sale, barter, exchange, lease or rental with option to purchase  
12    of six or more motor vehicles in a calendar year by any person,  
13    partnership, corporation, company or association, whether or not  
14    the motor vehicles are owned by them, shall be prima facie  
15    evidence of intent to make a profit or gain of money and such  
16    person, partnership, corporation, company or association shall be  
17    deemed to be acting as a motor vehicle dealer without a license.

18            4.   Any person, partnership, corporation, company or  
19    association who violates subsection 1 of this section is guilty  
20    of a class A misdemeanor. A second or subsequent conviction  
21   shall be deemed a class D felony.

22            5.   The provisions of this section shall not apply to  
23    liquidation of an estate.

24            301.580. 1. The department of revenue may issue special  
25    event motor vehicle auction licenses under the provisions of this  
26    section. For purposes of this section, a "special event motor  
27    vehicle auction" is a motor vehicle auction which:

28            (1) Ninety percent of the vehicles being auctioned are at

1 least ten years old or older;

2 (2) The licensee shall auction no more than three percent  
3 of the total number of vehicles presented for auction which are  
4 owned and titled in the name of the licensee or its owners; and

5 (3) The duration is no more than three consecutive calendar  
6 days and is held no more than two times in a calendar year by a  
7 licensee.

8 2. A special event motor vehicle auction shall be  
9 considered a public motor vehicle auction for purposes of  
10 sections 301.559 and 301.564.

11 3. Special event motor vehicle auction licensees shall be  
12 exempt from the requirements of section 301.560, with the  
13 exception of subdivision (4) of subsection 1 of section 301.560.

14 4. An application for a special event motor vehicle auction  
15 license must be received by the department at least ninety days  
16 prior to the beginning of the special event auction.

17 5. Applicants for a special motor vehicle auction are  
18 limited to no more than two special event auctions in any  
19 calendar year. A separate application is required for each  
20 special event motor vehicle auction.

21 6. At least ninety percent of the vehicles being auctioned  
22 at a special event motor vehicle auction shall be ten years old  
23 or older. The licensee shall, within ten days of the conclusion  
24 of a special event motor vehicle auction, submit a report in the  
25 form approved by the director to the department that includes the  
26 make, model, year, and vehicle identification number of each  
27 vehicle included in the auction. Every vehicle included in the  
28 special event auction shall be listed, including those vehicles

1 that were auctioned and sold and those vehicles that were  
2 auctioned but did not sell. Violation of this subsection is a  
3 class A misdemeanor.

4 7. The applicant for the special event motor vehicle  
5 auction shall be responsible for ensuring that a sales tax  
6 license or special event sales tax license is obtained for the  
7 event if one is required.

8 8. The fee for a special event motor vehicle auction  
9 license shall be one thousand dollars. For every vehicle  
10 auctioned in violation of subsection 6 of this section, an  
11 administrative fee of five hundred dollars shall be paid to the  
12 department. Such fees shall be deposited in like manner as other  
13 license fees of this section.

14 9. In addition to the causes set forth in section 301.562,  
15 the department may promulgate rules that establish additional  
16 causes to refuse to issue or to revoke a special event license.

17 10. A special motor vehicle auction shall last no more than  
18 three consecutive days.

19 11. The applicant for a special event motor vehicle auction  
20 shall be registered to conduct business in this state.

21 12. Every applicant for a special event motor vehicle  
22 auction license shall furnish with the application a corporate  
23 surety bond or an irrevocable letter of credit as defined in  
24 section 400.5-102 issued by any state or federal financial  
25 institution in the penal sum of one hundred thousand dollars on a  
26 form approved by the department. The bond or irrevocable letter  
27 of credit shall be conditioned upon the applicant complying with  
28 the provisions of the statutes applicable to a special event

1 auction license holder and the bond shall be an indemnity for any  
2 loss sustained by reason of the acts of the person bonded when  
3 such acts constitute grounds for the revocation or denial of a  
4 special event auction license. The bond shall be executed in the  
5 name of the state of Missouri for the benefit of all aggrieved  
6 parties or the irrevocable letter of credit shall name the state  
7 of Missouri as the beneficiary. The aggregate liability of the  
8 surety or financial institution to the aggrieved parties shall  
9 not exceed the amount of the bond or irrevocable letter of  
10 credit. The proceeds of the bond or irrevocable letter of credit  
11 shall be paid upon receipt by the department of a final judgment  
12 from a Missouri court of competent jurisdiction against the  
13 principal and in favor of an aggrieved party.

14 13. No dealer, driveaway, auction, or wholesale plates, or  
15 temporary permit booklets, shall be issued in conjunction with a  
16 special event motor vehicle auction license.

17 14. Any person or entity who sells a vehicle at a special  
18 event motor vehicle auction shall provide, to the buyer, current  
19 contact information including, but not limited to, name, address,  
20 and telephone number.

21 15. Any rule or portion of a rule, as that term is defined  
22 in section 536.010, that is created under the authority delegated  
23 in this section shall become effective only if it complies with  
24 and is subject to all of the provisions of chapter 536 and, if  
25 applicable, section 536.028. This section and chapter 536 are  
26 nonseverable and if any of the powers vested with the general  
27 assembly pursuant to chapter 536 to review, to delay the  
28 effective date, or to disapprove and annul a rule are



1 subsequently held unconstitutional, then the grant of rulemaking  
2 authority and any rule proposed or adopted after August 28, 2012,  
3 shall be invalid and void.

4       301.600. 1. Unless excepted by section 301.650, a lien or  
5 encumbrance on a motor vehicle or trailer, as defined by section  
6 301.010, is not valid against subsequent transferees or  
7 lienholders of the motor vehicle or trailer who took without  
8 knowledge of the lien or encumbrance unless the lien or  
9 encumbrance is perfected as provided in sections 301.600 to  
10 301.660.

11       2. Subject to the provisions of section 301.620, a lien or  
12 encumbrance on a motor vehicle or trailer is perfected by the  
13 delivery to the director of revenue of a notice of a lien in a  
14 format as prescribed by the director of revenue. The notice of  
15 lien is perfected as of the time of its creation if the delivery  
16 of such notice to the director of revenue is completed within  
17 thirty days thereafter, otherwise as of the time of the delivery.  
18 A notice of lien shall contain the name and address of the owner  
19 of the motor vehicle or trailer and the secured party, a  
20 description of the motor vehicle or trailer, including the  
21 vehicle identification number, and such other information as the  
22 department of revenue may prescribe. A notice of lien  
23 substantially complying with the requirements of this section is  
24 effective even though it contains minor errors which are not  
25 seriously misleading. Provided the lienholder submits complete  
26 and legible documents, the director of revenue shall mail  
27 confirmation or electronically confirm receipt of such notice of  
28 lien to the lienholder as soon as possible, but no later than

1     fifteen business days after the filing of the notice of lien.

2             3.   Notwithstanding the provisions of section 301.620, on a  
3     refinance by a different lender of a prior loan secured by a  
4     motor vehicle or trailer a lien is perfected by the delivery to  
5     the director of revenue of a notice of lien completed by the  
6     refinancing lender in a format prescribed by the director of  
7     revenue.

8             4.   To perfect a subordinate lien, the notice of lien must  
9     be accompanied by the documents required to be delivered to the  
10    director pursuant to subdivision (3) of section 301.620.

11            5.   Liens may secure future advances. The future advances  
12    may be evidenced by one or more notes or other documents  
13    evidencing indebtedness and shall not be required to be executed  
14    or delivered prior to the date of the future advance lien  
15    securing them. The fact that a lien may secure future advances  
16    shall be clearly stated on the security agreement and noted as  
17    "subject to future advances" on the notice of lien and noted on  
18    the certificate of ownership if the motor vehicle or trailer is  
19    subject to only one notice of lien. To secure future advances  
20    when an existing lien on a motor vehicle or trailer does not  
21    secure future advances, the lienholder shall file a notice of  
22    lien reflecting the lien to secure future advances. A lien to  
23    secure future advances is perfected in the same time and manner  
24    as any other lien, except as follows: proof of the lien for  
25    future advances is maintained by the department of revenue;  
26    however, there shall be additional proof of such lien when the  
27    notice of lien reflects such lien for future advances, is  
28    receipted for by the department of revenue, and returned to the

1     lienholder.

2             6. If a motor vehicle or trailer is subject to a lien or  
3     encumbrance when brought into this state, the validity and effect  
4     of the lien or encumbrance is determined by the law of the  
5     jurisdiction where the motor vehicle or trailer was when the lien  
6     or encumbrance attached, subject to the following:

7             (1) If the parties understood at the time the lien or  
8     encumbrance attached that the motor vehicle or trailer would be  
9     kept in this state and it was brought into this state within  
10    thirty days thereafter for purposes other than transportation  
11    through this state, the validity and effect of the lien or  
12    encumbrance in this state is determined by the law of this state;

13            (2) If the lien or encumbrance was perfected pursuant to  
14    the law of the jurisdiction where the motor vehicle or trailer  
15    was when the lien or encumbrance attached, the following rules  
16    apply:

17            (a) If the name of the lienholder is shown on an existing  
18    certificate of title or ownership issued by that jurisdiction,  
19    the lien or encumbrance continues perfected in this state;

20            (b) If the name of the lienholder is not shown on an  
21    existing certificate of title or ownership issued by that  
22    jurisdiction, the lien or encumbrance continues perfected in this  
23    state three months after a first certificate of ownership of the  
24    motor vehicle or trailer is issued in this state, and also  
25    thereafter if, within the three-month period, it is perfected in  
26    this state. The lien or encumbrance may also be perfected in  
27    this state after the expiration of the three-month period; in  
28    that case perfection dates from the time of perfection in this

1 state;

2 (3) If the lien or encumbrance was not perfected pursuant  
3 to the law of the jurisdiction where the motor vehicle or trailer  
4 was when the lien or encumbrance attached, it may be perfected in  
5 this state; in that case perfection dates from the time of  
6 perfection in this state;

7 (4) A lien or encumbrance may be perfected pursuant to  
8 paragraph (b) of subdivision (2) or subdivision (3) of this  
9 subsection either as provided in subsection 2 or 4 of this  
10 section or by the lienholder delivering to the director of  
11 revenue a notice of lien or encumbrance in the form the director  
12 of revenue prescribes and the required fee.

13 7. By rules and regulations, the director of revenue shall  
14 establish a security procedure for the purpose of verifying that  
15 an electronic notice of lien or notice of satisfaction of a lien  
16 on a motor vehicle or trailer given as permitted in sections  
17 301.600 to 301.640 is that of the lienholder, verifying that an  
18 electronic notice of confirmation of ownership and perfection of  
19 a lien given as required in section 301.610 is that of the  
20 director of revenue, and detecting error in the transmission or  
21 the content of any such notice. A security procedure may require  
22 the use of algorithms or other codes, identifying words or  
23 numbers, encryption, callback procedures or similar security  
24 devices. Comparison of a signature on a communication with an  
25 authorized specimen signature shall not by itself be a security  
26 procedure.

27 302.010. Except where otherwise provided, when used in this  
28 chapter, the following words and phrases mean:

1           (1) "Circuit court", each circuit court in the state;

2           (2) "Commercial motor vehicle", a motor vehicle designed or  
3 regularly used for carrying freight and merchandise, or more than  
4 fifteen passengers;

5           (3) "Conviction", any final conviction; also a forfeiture  
6 of bail or collateral deposited to secure a defendant's  
7 appearance in court, which forfeiture has not been vacated, shall  
8 be equivalent to a conviction, except that when any conviction as  
9 a result of which points are assessed pursuant to section 302.302  
10 is appealed, the term "conviction" means the original judgment of  
11 conviction for the purpose of determining the assessment of  
12 points, and the date of final judgment affirming the conviction  
13 shall be the date determining the beginning of any license  
14 suspension or revocation pursuant to section 302.304;

15           (4) "Criminal history check", a search of criminal records,  
16 including criminal history record information as defined in  
17 section 43.500, maintained by the Missouri state highway patrol  
18 in the Missouri criminal records repository or by the Federal  
19 Bureau of Investigation as part of its criminal history records,  
20 including, but not limited to, any record of conviction, plea of  
21 guilty or nolo contendere, or finding of guilty in any state for  
22 any offense related to alcohol, controlled substances, or drugs;

23           (5) "Director", the director of revenue acting directly or  
24 through the director's authorized officers and agents;

25           [(5)] (6) "Farm tractor", every motor vehicle designed and  
26 used primarily as a farm implement for drawing plows, mowing  
27 machines and other implements of husbandry;

28           [(6)] (7) "Highway", any public thoroughfare for vehicles,

1 including state roads, county roads and public streets, avenues,  
2 boulevards, parkways, or alleys in any municipality;

3 [(7)] (8) "Incompetent to drive a motor vehicle", a person  
4 who has become physically incapable of meeting the prescribed  
5 requirements of an examination for an operator's license, or who  
6 has been adjudged by a probate division of the circuit court in a  
7 capacity hearing of being incapacitated;

8 [(8)] (9) "License", a license issued by a state to a  
9 person which authorizes a person to operate a motor vehicle;

10 [(9)] (10) "Motor vehicle", any self-propelled vehicle not  
11 operated exclusively upon tracks except motorized bicycles, as  
12 defined in section 307.180;

13 [(10)] (11) "Motorcycle", a motor vehicle operated on two  
14 wheels; however, this definition shall not include motorized  
15 bicycles as defined in section 301.010;

16 [(11)] (12) "Motortricycle", a motor vehicle operated on  
17 three wheels, including a motorcycle operated with any  
18 conveyance, temporary or otherwise, requiring the use of a third  
19 wheel;

20 [(12)] (13) "Moving violation", that character of traffic  
21 violation where at the time of violation the motor vehicle  
22 involved is in motion, except that the term does not include the  
23 driving of a motor vehicle without a valid motor vehicle  
24 registration license, or violations of sections 304.170 to  
25 304.240, inclusive, relating to sizes and weights of vehicles;

26 [(13)] (14) "Municipal court", every division of the  
27 circuit court having original jurisdiction to try persons for  
28 violations of city ordinances;

1           [(14)] (15) "Nonresident", every person who is not a  
2 resident of this state;

3           [(15)] (16) "Operator", every person who is in actual  
4 physical control of a motor vehicle upon a highway;

5           [(16)] (17) "Owner", a person who holds the legal title of  
6 a vehicle or in the event a vehicle is the subject of an  
7 agreement for the conditional sale or lease thereof with the  
8 right of purchase upon performance of the conditions stated in  
9 the agreement and with an immediate right of possession vested in  
10 the conditional vendee or lessee, or in the event a mortgagor of  
11 a vehicle is entitled to possession, then such conditional vendee  
12 or lessee or mortgagor shall be deemed the owner for the purpose  
13 of sections 302.010 to 302.540;

14           [(17)] (18) "Record" includes, but is not limited to,  
15 papers, documents, facsimile information, microphotographic  
16 process, electronically generated or electronically recorded  
17 information, digitized images, deposited or filed with the  
18 department of revenue;

19           [(18)] (19) "Residence address", "residence", or "resident  
20 address" shall be the location at which a person has been  
21 physically present, and that the person regards as home. A  
22 residence address is a person's true, fixed, principal, and  
23 permanent home, to which a person intends to return and remain,  
24 even though currently residing elsewhere;

25           [(19)] (20) "Restricted driving privilege", a driving  
26 privilege issued by the director of revenue following a  
27 suspension of driving privileges for the limited purpose of  
28 driving in connection with the driver's business, occupation,

1 employment, formal program of secondary, postsecondary or higher  
2 education, or for an alcohol education or treatment program or  
3 certified ignition interlock provider;

4       [(20)] (21) "School bus", when used in sections 302.010 to  
5 302.540, means any motor vehicle, either publicly or privately  
6 owned, used to transport students to and from school, or to  
7 transport pupils properly chaperoned to and from any place within  
8 the state for educational purposes. The term "school bus" shall  
9 not include a bus operated by a public utility, municipal  
10 corporation or common carrier authorized to conduct local or  
11 interstate transportation of passengers when such bus is not  
12 traveling a specific school bus route but is:

13       (a) On a regularly scheduled route for the transportation  
14 of fare-paying passengers; or

15       (b) Furnishing charter service for the transportation of  
16 persons enrolled as students on field trips or other special  
17 trips or in connection with other special events;

18       [(21)] (22) "School bus operator", an operator who operates  
19 a school bus as defined in subdivision [(20)] (21) of this  
20 section in the transportation of any schoolchildren and who  
21 receives compensation for such service. The term "school bus  
22 operator" shall not include any person who transports  
23 schoolchildren as an incident to employment with a school or  
24 school district, such as a teacher, coach, administrator,  
25 secretary, school nurse, or janitor unless such person is under  
26 contract with or employed by a school or school district as a  
27 school bus operator;

28       [(22)] (23) "Signature", any method determined by the



1 director of revenue for the signing, subscribing or verifying of  
2 a record, report, application, driver's license, or other related  
3 document that shall have the same validity and consequences as  
4 the actual signing by the person providing the record, report,  
5 application, driver's license or related document;

6        [(23)] (24) "Substance abuse traffic offender program", a  
7 program certified by the division of alcohol and drug abuse of  
8 the department of mental health to provide education or  
9 rehabilitation services pursuant to a professional assessment  
10 screening to identify the individual needs of the person who has  
11 been referred to the program as the result of an alcohol- or  
12 drug-related traffic offense. Successful completion of such a  
13 program includes participation in any education or rehabilitation  
14 program required to meet the needs identified in the assessment  
15 screening. The assignment recommendations based upon such  
16 assessment shall be subject to judicial review as provided in  
17 subsection 14 of section 302.304 and subsections 1 and 5 of  
18 section 302.540;

19        [(24)] (25) "Vehicle", any mechanical device on wheels,  
20 designed primarily for use, or used on highways, except motorized  
21 bicycles, vehicles propelled or drawn by horses or human power,  
22 or vehicles used exclusively on fixed rails or tracks, or cotton  
23 trailers or motorized wheelchairs operated by handicapped  
24 persons.

25        302.060. 1. The director shall not issue any license and  
26 shall immediately deny any driving privilege:

27        (1) To any person who is under the age of eighteen years,  
28 if such person operates a motor vehicle in the transportation of

1 persons or property as classified in section 302.015;

2 (2) To any person who is under the age of sixteen years,  
3 except as hereinafter provided;

4 (3) To any person whose license has been suspended, during  
5 such suspension, or to any person whose license has been revoked,  
6 until the expiration of one year after such license was revoked;

7 (4) To any person who is an habitual drunkard or is  
8 addicted to the use of narcotic drugs;

9 (5) To any person who has previously been adjudged to be  
10 incapacitated and who at the time of application has not been  
11 restored to partial capacity;

12 (6) To any person who, when required by this law to take an  
13 examination, has failed to pass such examination;

14 (7) To any person who has an unsatisfied judgment against  
15 such person, as defined in chapter 303, until such judgment has  
16 been satisfied or the financial responsibility of such person, as  
17 defined in section 303.120, has been established;

18 (8) To any person whose application shows that the person  
19 has been convicted within one year prior to such application of  
20 violating the laws of this state relating to failure to stop  
21 after an accident and to disclose the person's identity or  
22 driving a motor vehicle without the owner's consent;

23 (9) To any person who has been convicted more than twice of  
24 violating state law, or a county or municipal ordinance where the  
25 defendant was represented by or waived the right to an attorney  
26 in writing, relating to driving while intoxicated; except that,  
27 after the expiration of ten years from the date of conviction of  
28 the last offense of violating such law or ordinance relating to

1 driving while intoxicated, a person who was so convicted may  
2 petition the circuit court of the county in which such last  
3 conviction was rendered and the court shall review the person's  
4 habits and conduct since such conviction, including the results  
5 of a criminal history check as defined in section 302.010. If  
6 the court finds that the petitioner has not been convicted [of],  
7 pled guilty to or been found guilty of, and has no pending  
8 charges for any offense related to alcohol, controlled substances  
9 or drugs and has no other alcohol-related enforcement contacts as  
10 defined in section 302.525 during the preceding ten years and  
11 that the petitioner's habits and conduct show such petitioner to  
12 no longer pose a threat to the public safety of this state, the  
13 court may order the director to issue a license to the petitioner  
14 if the petitioner is otherwise qualified pursuant to the  
15 provisions of sections 302.010 to 302.540. No person may obtain  
16 a license pursuant to the provisions of this subdivision through  
17 court action more than one time;

18 (10) To any person who has [been convicted twice within a  
19 five-year period of violating state law, or a county or municipal  
20 ordinance, of driving while intoxicated, or any other  
21 intoxication-related traffic offense as defined in subdivision  
22 (4) of subsection 1 of section 577.023, or who has been convicted  
23 of the crime of involuntary manslaughter while operating a motor  
24 vehicle in an intoxicated condition. The director shall not  
25 issue a license to such person for five years from the date such  
26 person was convicted or pled guilty for involuntary manslaughter  
27 while operating a motor vehicle in an intoxicated condition or  
28 for driving while intoxicated or any other intoxication-related

1 traffic offense as defined in subdivision (4) of subsection 1 of  
2 section 577.023 for the second time] pled guilty to or been  
3 convicted of the crime of involuntary manslaughter while  
4 operating a motor vehicle in an intoxicated condition, or to any  
5 person who has been convicted twice within a five-year period of  
6 violating state law, county or municipal ordinance of driving  
7 while intoxicated, or any other intoxication-related traffic  
8 offense as defined in section 577.023, except that, after the  
9 expiration of five years from the date of conviction of the last  
10 offense of violating such law or ordinance, a person who was so  
11 convicted may petition the circuit court of the county in which  
12 such last conviction was rendered and the court shall review the  
13 person's habits and conduct since such conviction, including the  
14 results of a criminal history check as defined in section  
15 302.010. If the court finds that the petitioner has not been  
16 convicted, pled guilty to, or been found guilty of, and has no  
17 pending charges for any offense related to alcohol, controlled  
18 substances, or drugs and has no other alcohol-related enforcement  
19 contacts as defined in section 302.525 during the preceding five  
20 years, and that the petitioner's habits and conduct show such  
21 petitioner to no longer pose a threat to the public safety of  
22 this state, the court may order the director to issue a license  
23 to the petitioner if the petitioner is otherwise qualified  
24 pursuant to the provisions of sections 302.010 to 302.540;

25 (11) To any person who is otherwise disqualified pursuant  
26 to the provisions of sections 302.010 to 302.780, chapter 303, or  
27 section 544.046;

28 (12) To any person who is under the age of eighteen years,

1 if such person's parents or legal guardians file a certified  
2 document with the department of revenue stating that the director  
3 shall not issue such person a driver's license. Each document  
4 filed by the person's parents or legal guardians shall be made  
5 upon a form furnished by the director and shall include  
6 identifying information of the person for whom the parents or  
7 legal guardians are denying the driver's license. The document  
8 shall also contain identifying information of the person's  
9 parents or legal guardians. The document shall be certified by  
10 the parents or legal guardians to be true and correct. This  
11 provision shall not apply to any person who is legally  
12 emancipated. The parents or legal guardians may later file an  
13 additional document with the department of revenue which  
14 reinstates the person's ability to receive a driver's license.

15 2. Any person whose license is reinstated under the  
16 provisions of subdivisions (9) and (10) of subsection 1 of this  
17 section shall be required to file proof with the director of  
18 revenue that any motor vehicle operated by the person is equipped  
19 with a functioning, certified ignition interlock device as a  
20 required condition of reinstatement. The ignition interlock  
21 device shall further be required to be maintained on all motor  
22 vehicles operated by the person for a period of not less than six  
23 months immediately following the date of reinstatement. If the  
24 person fails to maintain such proof with the director, the  
25 license shall be suspended for the remainder of the six-month  
26 period or until proof as required by this section is filed with  
27 the director. Upon the completion of the six-month period, the  
28 license shall be shown as reinstated, if the person is otherwise

1 eligible.

2 3. Any person who petitions the court for reinstatement of  
3 his or her license pursuant to subdivision (9) or (10) of  
4 subsection 1 of this section shall make application with the  
5 Missouri state highway patrol as provided in section 43.540, and  
6 shall submit two sets of fingerprints collected pursuant to  
7 standards as determined by the highway patrol. One set of  
8 fingerprints shall be used by the highway patrol to search the  
9 criminal history repository and the second set shall be forwarded  
10 to the Federal Bureau of Investigation for searching the federal  
11 criminal history files. At the time of application, the  
12 applicant shall supply to the highway patrol the court name and  
13 case number for the court where he or she has filed his or her  
14 petition for reinstatement. The applicant shall pay the fee for  
15 the state criminal history check pursuant to section 43.530 and  
16 pay the appropriate fee determined by the Federal Bureau of  
17 Investigation for the federal criminal history record. The  
18 Missouri highway patrol, upon receipt of the results of the  
19 criminal history check, shall forward a copy of the results to  
20 the circuit court designated by the applicant and to the  
21 department. Notwithstanding the provisions of section 610.120,  
22 all records related to any criminal history check shall be  
23 accessible and available to the director and the court.

24 302.130. 1. Any person at least fifteen years of age who,  
25 except for age or lack of instruction in operating a motor  
26 vehicle, would otherwise be qualified to obtain a license  
27 pursuant to sections 302.010 to 302.340 may apply for and the  
28 director shall issue a temporary instruction permit entitling the

1 applicant, while having such permit in the applicant's immediate  
2 possession, to drive a motor vehicle of the appropriate class  
3 upon the highways for a period of twelve months, but any such  
4 person, except when operating a motorcycle or motortricycle, must  
5 be accompanied by a licensed operator for the type of motor  
6 vehicle being operated who is actually occupying a seat beside  
7 the driver for the purpose of giving instruction in driving the  
8 motor vehicle, who is at least twenty-one years of age, and in  
9 the case of any driver under sixteen years of age, the licensed  
10 operator occupying the seat beside the driver shall be a  
11 grandparent, parent, guardian, a person who is at least twenty-  
12 five years of age who has been licensed for a minimum of three  
13 years and has received written permission from the parent or  
14 legal guardian to escort or accompany the driver, a driver  
15 training instructor holding a valid driver education endorsement  
16 on a teaching certificate issued by the department of elementary  
17 and secondary education or a qualified instructor of a private  
18 drivers' education program who has a valid driver's license. An  
19 applicant for a temporary instruction permit shall successfully  
20 complete a vision test and a test of the applicant's ability to  
21 understand highway signs which regulate, warn or direct traffic  
22 and practical knowledge of the traffic laws of this state,  
23 pursuant to section 302.173. In addition, beginning January 1,  
24 2007, no permit shall be granted pursuant to this subsection  
25 unless a parent or legal guardian gives written permission by  
26 signing the application and in so signing, state they, or their  
27 designee as set forth in subsection 2 of this section, will  
28 provide a minimum of forty hours of behind-the-wheel driving

1 instruction, including a minimum of ten hours of behind-the-wheel  
2 driving instruction that occurs during the nighttime hours  
3 falling between sunset and sunrise. The forty hours of  
4 behind-the-wheel driving instruction that is completed pursuant  
5 to this subsection may include any time that the holder of an  
6 instruction permit has spent operating a motor vehicle in a  
7 driver training program taught by a driver training instructor  
8 holding a valid driver education endorsement on a teaching  
9 certificate issued by the department of elementary and secondary  
10 education or by a qualified instructor of a private drivers'  
11 education program. If the applicant for a permit is enrolled in  
12 a federal residential job training program, the instructor, as  
13 defined in subsection 5 of this section, is authorized to sign  
14 the application stating that the applicant will receive the  
15 behind-the-wheel driving instruction required by this section.

16 2. In the event the parent, grandparent or guardian of the  
17 person under sixteen years of age has a physical disability which  
18 prohibits or disqualifies said parent, grandparent or guardian  
19 from being a qualified licensed operator pursuant to this  
20 section, said parent, grandparent or guardian may designate a  
21 maximum of two individuals authorized to accompany the applicant  
22 for the purpose of giving instruction in driving the motor  
23 vehicle. An authorized designee must be a licensed operator for  
24 the type of motor vehicle being operated and have attained  
25 twenty-one years of age. At least one of the designees must  
26 occupy the seat beside the applicant while giving instruction in  
27 driving the motor vehicle. The name of the authorized designees  
28 must be provided to the department of revenue by the parent,



1 grandparent or guardian at the time of application for the  
2 temporary instruction permit. The name of each authorized  
3 designee shall be printed on the temporary instruction permit,  
4 however, the director may delay the time at which permits are  
5 printed bearing such names until the inventories of blank permits  
6 and related forms existing on August 28, 1998, are exhausted.

7 3. The director, upon proper application on a form  
8 prescribed by the director, in his or her discretion, may issue a  
9 restricted instruction permit effective for a school year or more  
10 restricted period to an applicant who is enrolled in a high  
11 school driver training program taught by a driver training  
12 instructor holding a valid driver education endorsement on a  
13 teaching certificate issued by the state department of elementary  
14 and secondary education even though the applicant has not reached  
15 the age of sixteen years but has passed the age of fifteen years.  
16 Such instruction permit shall entitle the applicant, when the  
17 applicant has such permit in his or her immediate possession, to  
18 operate a motor vehicle on the highways, but only when a driver  
19 training instructor holding a valid driver education endorsement  
20 on a teaching certificate issued by the state department of  
21 elementary and secondary education is occupying a seat beside the  
22 driver.

23 4. The director, in his or her discretion, may issue a  
24 temporary driver's permit to an applicant who is otherwise  
25 qualified for a license permitting the applicant to operate a  
26 motor vehicle while the director is completing the director's  
27 investigation and determination of all facts relative to such  
28 applicant's rights to receive a license. Such permit must be in

1 the applicant's immediate possession while operating a motor  
2 vehicle, and it shall be invalid when the applicant's license has  
3 been issued or for good cause has been refused.

4 5. In the event that the applicant for a temporary  
5 instruction permit described in subsection 1 of this section is a  
6 participant in a federal residential job training program, the  
7 permittee may operate a motor vehicle accompanied by a driver  
8 training instructor who holds a valid driver education  
9 endorsement issued by the department of elementary and secondary  
10 education and a valid driver's license.

11 6. A person at least fifteen years of age may operate a  
12 motor vehicle as part of a driver training program taught by a  
13 driver training instructor holding a valid driver education  
14 endorsement on a teaching certificate issued by the department of  
15 elementary and secondary education or a qualified instructor of a  
16 private drivers' education program.

17 7. Beginning January 1, 2003, the director shall issue with  
18 every temporary instruction permit issued pursuant to subsection  
19 1 of this section a sticker or sign bearing the words "PERMIT  
20 DRIVER". The design and size of such sticker or sign shall be  
21 determined by the director by regulation. Every applicant issued  
22 a temporary instruction permit and sticker on or after January 1,  
23 2003, may display or affix the sticker or sign on the rear window  
24 of the motor vehicle. Such sticker or sign may be displayed on  
25 the rear window of the motor vehicle whenever the holder of the  
26 instruction permit operates a motor vehicle during his or her  
27 temporary permit licensure period.

28 8. Beginning July 1, 2005, the director shall verify that

1 an applicant for an instruction permit issued under this section  
2 is lawfully present in the United States before accepting the  
3 application. The director shall not issue an instruction permit  
4 for a period that exceeds an applicant's lawful presence in the  
5 United States. The director may establish procedures to verify  
6 the lawful presence of the applicant and establish the duration  
7 of any permit issued under this section.

8 9. The director may adopt rules and regulations necessary  
9 to carry out the provisions of this section.

10 302.309. 1. Whenever any license is suspended pursuant to  
11 sections 302.302 to 302.309, the director of revenue shall return  
12 the license to the operator immediately upon the termination of  
13 the period of suspension and upon compliance with the  
14 requirements of chapter 303.

15 2. Any operator whose license is revoked pursuant to these  
16 sections, upon the termination of the period of revocation, shall  
17 apply for a new license in the manner prescribed by law.

18 3. (1) All circuit courts, the director of revenue, or a  
19 commissioner operating under section 478.007 shall have  
20 jurisdiction to hear applications and make eligibility  
21 determinations granting limited driving privileges. Any  
22 application may be made in writing to the director of revenue and  
23 the person's reasons for requesting the limited driving privilege  
24 shall be made therein.

25 (2) When any court of record having jurisdiction or the  
26 director of revenue finds that an operator is required to operate  
27 a motor vehicle in connection with any of the following:

28 (a) A business, occupation, or employment;

1           (b) Seeking medical treatment for such operator;  
2           (c) Attending school or other institution of higher  
3 education;  
4           (d) Attending alcohol or drug treatment programs;  
5           (e) Seeking the required services of a certified ignition  
6 interlock device provider; or  
7           (f) Any other circumstance the court or director finds  
8 would create an undue hardship on the operator; the court or  
9 director may grant such limited driving privilege as the  
10 circumstances of the case justify if the court or director finds  
11 undue hardship would result to the individual, and while so  
12 operating a motor vehicle within the restrictions and limitations  
13 of the limited driving privilege the driver shall not be guilty  
14 of operating a motor vehicle without a valid license.

15           (3) An operator may make application to the proper court in  
16 the county in which such operator resides or in the county in  
17 which is located the operator's principal place of business or  
18 employment. Any application for a limited driving privilege made  
19 to a circuit court shall name the director as a party defendant  
20 and shall be served upon the director prior to the grant of any  
21 limited privilege, and shall be accompanied by a copy of the  
22 applicant's driving record as certified by the director. Any  
23 applicant for a limited driving privilege shall have on file with  
24 the department of revenue proof of financial responsibility as  
25 required by chapter 303. Any application by a person who  
26 transports persons or property as classified in section 302.015  
27 may be accompanied by proof of financial responsibility as  
28 required by chapter 303, but if proof of financial responsibility

1 does not accompany the application, or if the applicant does not  
2 have on file with the department of revenue proof of financial  
3 responsibility, the court or the director has discretion to grant  
4 the limited driving privilege to the person solely for the  
5 purpose of operating a vehicle whose owner has complied with  
6 chapter 303 for that vehicle, and the limited driving privilege  
7 must state such restriction. When operating such vehicle under  
8 such restriction the person shall carry proof that the owner has  
9 complied with chapter 303 for that vehicle.

10 (4) No limited driving privilege shall be issued to any  
11 person otherwise eligible under the provisions of paragraph (a)  
12 of subdivision (6) of this subsection on a license revocation  
13 resulting from a conviction under subdivision (9) of subsection 1  
14 of section 302.302, or a license denial under paragraph (a) or  
15 (b) of subdivision (8) of this subsection, until the applicant  
16 has filed proof with the department of revenue that any motor  
17 vehicle operated by the person is equipped with a functioning,  
18 certified ignition interlock device as a required condition of  
19 limited driving privilege.

20 (5) The court order or the director's grant of the limited  
21 or restricted driving privilege shall indicate the termination  
22 date of the privilege, which shall be not later than the end of  
23 the period of suspension or revocation. A copy of any court  
24 order shall be sent by the clerk of the court to the director,  
25 and a copy shall be given to the driver which shall be carried by  
26 the driver whenever such driver operates a motor vehicle. The  
27 director of revenue upon granting a limited driving privilege  
28 shall give a copy of the limited driving privilege to the

1 applicant. The applicant shall carry a copy of the limited  
2 driving privilege while operating a motor vehicle. A conviction  
3 which results in the assessment of points pursuant to section  
4 302.302, other than a violation of a municipal stop sign  
5 ordinance where no accident is involved, against a driver who is  
6 operating a vehicle pursuant to a limited driving privilege  
7 terminates the privilege, as of the date the points are assessed  
8 to the person's driving record. If the date of arrest is prior  
9 to the issuance of the limited driving privilege, the privilege  
10 shall not be terminated. Failure of the driver to maintain proof  
11 of financial responsibility, as required by chapter 303, or to  
12 maintain proof of installation of a functioning, certified  
13 ignition interlock device, as applicable, shall terminate the  
14 privilege. The director shall notify by ordinary mail the driver  
15 whose privilege is so terminated.

16 (6) Except as provided in subdivision (8) of this  
17 subsection, no person is eligible to receive a limited driving  
18 privilege who at the time of application for a limited driving  
19 privilege has previously been granted such a privilege within the  
20 immediately preceding five years, or whose license has been  
21 suspended or revoked for the following reasons:

22 (a) A conviction of violating the provisions of section  
23 577.010 or 577.012, or any similar provision of any federal or  
24 state law, or a municipal or county law where the judge in such  
25 case was an attorney and the defendant was represented by or  
26 waived the right to an attorney in writing, until the person has  
27 completed the first thirty days of a suspension or revocation  
28 imposed pursuant to this chapter;

1           (b) A conviction of any felony in the commission of which a  
2 motor vehicle was used;

3           (c) Ineligibility for a license because of the provisions  
4 of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or  
5 (11) of section 302.060;

6           (d) Because of operating a motor vehicle under the  
7 influence of narcotic drugs, a controlled substance as defined in  
8 chapter 195, or having left the scene of an accident as provided  
9 in section 577.060;

10           (e) Due to a revocation for the first time for failure to  
11 submit to a chemical test pursuant to section 577.041 or due to a  
12 refusal to submit to a chemical test in any other state, if such  
13 person has not completed the first ninety days of such  
14 revocation;

15           (f) Violation more than once of the provisions of section  
16 577.041 or a similar implied consent law of any other state; or

17           (g) Due to a suspension pursuant to subsection 2 of section  
18 302.525 and who has not completed the first thirty days of such  
19 suspension, provided the person is not otherwise ineligible for a  
20 limited driving privilege; or due to a revocation pursuant to  
21 subsection 2 of section 302.525 if such person has not completed  
22 such revocation.

23           (7) No person who possesses a commercial driver's license  
24 shall receive a limited driving privilege issued for the purpose  
25 of operating a commercial motor vehicle if such person's driving  
26 privilege is suspended, revoked, canceled, denied, or  
27 disqualified. Nothing in this section shall prohibit the  
28 issuance of a limited driving privilege for the purpose of

1 operating a noncommercial motor vehicle provided that pursuant to  
2 the provisions of this section, the applicant is not otherwise  
3 ineligible for a limited driving privilege.

4 (8) (a) Provided that pursuant to the provisions of this  
5 section, the applicant is not otherwise ineligible for a limited  
6 driving privilege, a circuit court or the director may, in the  
7 manner prescribed in this subsection, allow a person who has had  
8 such person's license to operate a motor vehicle revoked where  
9 that person cannot obtain a new license for a period of ten  
10 years, as prescribed in subdivision (9) of subsection 1 of  
11 section 302.060, to apply for a limited driving privilege  
12 pursuant to this subsection if such person has served at least  
13 three years of such disqualification or revocation. Such person  
14 shall present evidence satisfactory to the court or the director  
15 that such person has not been convicted of any offense related to  
16 alcohol, controlled substances or drugs during the preceding  
17 three years and that the person's habits and conduct show that  
18 the person no longer poses a threat to the public safety of this  
19 state. The court or the director shall review the results of a  
20 criminal history check prior to granting any limited privilege  
21 under this subdivision. If the court or the director finds that  
22 the petitioner has been convicted, pled guilty to, or been found  
23 guilty of, or has a pending charge for any offense related to  
24 alcohol, controlled substances, or drugs, or has any other  
25 alcohol-related enforcement contact as defined in section 302.525  
26 during the preceding three years, the court or the director shall  
27 not grant a limited driving privilege to the applicant.

28 (b) Provided that pursuant to the provisions of this



1 section, the applicant is not otherwise ineligible for a limited  
2 driving privilege or convicted of involuntary manslaughter while  
3 operating a motor vehicle in an intoxicated condition, a circuit  
4 court or the director may, in the manner prescribed in this  
5 subsection, allow a person who has had such person's license to  
6 operate a motor vehicle revoked where that person cannot obtain a  
7 new license for a period of five years because of two convictions  
8 of driving while intoxicated, as prescribed in subdivision (10)  
9 of subsection 1 of section 302.060, to apply for a limited  
10 driving privilege pursuant to this subsection if such person has  
11 served at least two years of such disqualification or revocation.  
12 Such person shall present evidence satisfactory to the court or  
13 the director that such person has not been convicted of any  
14 offense related to alcohol, controlled substances or drugs during  
15 the preceding two years and that the person's habits and conduct  
16 show that the person no longer poses a threat to the public  
17 safety of this state. The court or the director shall review the  
18 results of a criminal history check prior to granting any limited  
19 privilege under this subdivision. If the court or director finds  
20 that the petitioner has been convicted, pled guilty to, or been  
21 found guilty of, or has a pending charge for any offense related  
22 to alcohol, controlled substances, or drugs, or has any other  
23 alcohol-related enforcement contact as defined in section 302.525  
24 during the preceding two years, the court or the director shall  
25 not grant a limited driving privilege to the applicant. Any  
26 person who is denied a license permanently in this state because  
27 of an alcohol-related conviction subsequent to a restoration of  
28 such person's driving privileges pursuant to subdivision (9) of

1 section 302.060 shall not be eligible for limited driving  
2 privilege pursuant to the provisions of this subdivision.

3 (9) A DWI docket or court established under section 478.007  
4 may grant a limited driving privilege to a participant in or  
5 graduate of the program who would otherwise be ineligible for  
6 such privilege under another provision of law. The DWI docket or  
7 court shall not grant a limited driving privilege to a  
8 participant during his or her initial forty-five days of  
9 participation.

10 4. Any person who has received notice of denial of a  
11 request of limited driving privilege by the director of revenue  
12 may make a request for a review of the director's determination  
13 in the circuit court of the county in which the person resides or  
14 the county in which is located the person's principal place of  
15 business or employment within thirty days of the date of mailing  
16 of the notice of denial. Such review shall be based upon the  
17 records of the department of revenue and other competent evidence  
18 and shall be limited to a review of whether the applicant was  
19 statutorily entitled to the limited driving privilege.

20 5. Any person who petitions a court or makes application  
21 with the director for a limited driving privilege pursuant to  
22 paragraphs (a) or (b) of subdivision (8) of subsection 3 of this  
23 section shall make application with the Missouri state highway  
24 patrol as provided in section 43.540 and shall submit two sets of  
25 fingerprints collected pursuant to standards as determined by the  
26 highway patrol. One set of fingerprints shall be used by the  
27 highway patrol to search the criminal history repository and the  
28 second set shall be forwarded to the Federal Bureau of

Investigation for searching the federal criminal history files.  
At the time of application, the applicant shall supply to the  
highway patrol the court name and case number for the court where  
he or she has filed his or her petition for limited driving  
privileges. The applicant shall pay the fee for the state  
criminal history record information pursuant to section 43.530  
and pay the appropriate fee determined by the Federal Bureau of  
Investigation for the federal criminal history record. The  
Missouri highway patrol, upon receipt of the results of the  
criminal history check, shall forward the results to the circuit  
court designated by the applicant and to the department.  
Notwithstanding the provisions of section 610.120, all records  
related to any criminal history check shall be accessible and  
available to the director and the court.

6. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.341. 1. If a Missouri resident charged with a moving

1 traffic violation of this state or any county or municipality of  
2 this state fails to dispose of the charges of which the resident  
3 is accused through authorized prepayment of fine and court costs  
4 and fails to appear on the return date or at any subsequent date  
5 to which the case has been continued, or without good cause fails  
6 to pay any fine or court costs assessed against the resident for  
7 any such violation within the period of time specified or in such  
8 installments as approved by the court or as otherwise provided by  
9 law, any court having jurisdiction over the charges shall within  
10 ten days of the failure to comply inform the defendant by  
11 ordinary mail at the last address shown on the court records that  
12 the court will order the director of revenue to suspend the  
13 defendant's driving privileges if the charges are not disposed of  
14 and fully paid within thirty days from the date of mailing.  
15 Thereafter, if the defendant fails to timely act to dispose of  
16 the charges and fully pay any applicable fines and court costs,  
17 the court shall notify the director of revenue of such failure  
18 and of the pending charges against the defendant. Upon receipt  
19 of this notification, the director shall suspend the license of  
20 the driver, effective immediately, and provide notice of the  
21 suspension to the driver at the last address for the driver shown  
22 on the records of the department of revenue. Such suspension  
23 shall remain in effect until the court with the subject pending  
24 charge requests setting aside the noncompliance suspension  
25 pending final disposition, or satisfactory evidence of  
26 disposition of pending charges and payment of fine and court  
27 costs, if applicable, is furnished to the director by the  
28 individual. Upon proof of disposition of charges and payment of

1 fine and court costs, if applicable, and payment of the  
2 reinstatement fee as set forth in section 302.304, the director  
3 shall return the license and remove the suspension from the  
4 individual's driving record if the individual was not operating a  
5 commercial motor vehicle or a commercial driver's license holder  
6 at the time of the offense. The filing of financial  
7 responsibility with the bureau of safety responsibility,  
8 department of revenue, shall not be required as a condition of  
9 reinstatement of a driver's license suspended solely under the  
10 provisions of this section.

11 2. If any city, town or village receives more than  
12 thirty-five percent of its annual general operating revenue from  
13 fines and court costs for traffic violations occurring on state  
14 highways, all revenues from such violations in excess of  
15 thirty-five percent of the annual general operating revenue of  
16 the city, town or village shall be sent to the director of the  
17 department of revenue and shall be distributed annually to the  
18 schools of the county in the same manner that proceeds of all  
19 penalties, forfeitures and fines collected for any breach of the  
20 penal laws of the state are distributed. For the purpose of this  
21 section the words "state highways" shall mean any state or  
22 federal highway, including any such highway continuing through  
23 the boundaries of a city, town or village with a designated  
24 street name other than the state highway number. The director of  
25 the department of revenue shall set forth by rule a procedure  
26 whereby excess revenues as set forth above shall be sent to the  
27 department of revenue. If any city, town, or village disputes a  
28 determination that it has received excess revenues required to be

1 sent to the department of revenue, such city, town, or village  
2 may submit to an annual audit by the state auditor under the  
3 authority of article IV, section 13 of the Missouri Constitution.  
4 Any rule or portion of a rule, as that term is defined in section  
5 536.010, that is created under the authority delegated in this  
6 section shall become effective only if it complies with and is  
7 subject to all of the provisions of chapter 536 and, if  
8 applicable, section 536.028. This section and chapter 536 are  
9 nonseverable and if any of the powers vested with the general  
10 assembly under chapter 536 to review, to delay the effective  
11 date, or to disapprove and annul a rule are subsequently held  
12 unconstitutional, then the grant of rulemaking authority and any  
13 rule proposed or adopted after August 28, 2009, shall be invalid  
14 and void.

15 302.530. 1. Any person who has received a notice of  
16 suspension or revocation may make a request within fifteen days  
17 of receipt of the notice for a review of the department's  
18 determination at a hearing. If the person's driver's license has  
19 not been previously surrendered, it may be surrendered at the  
20 time the request for a hearing is made.

21 2. At the time the request for a hearing is made, if it  
22 appears from the record that the person is the holder of a valid  
23 driver's license issued by this state, and that the driver's  
24 license has been surrendered, the department shall issue a  
25 temporary permit which shall be valid until the scheduled date  
26 for the hearing. The department may later issue an additional  
27 temporary permit or permits in order to stay the effective date  
28 of the suspension or revocation until the final order is issued

1 following the hearing, as required by section 302.520.

2 3. The hearing may be held by telephone, or if requested by  
3 the person, such person's attorney or representative, [in the  
4 county where the arrest was made] at a regional location as  
5 designated by the director. The hearing shall be conducted by  
6 examiners who are licensed to practice law in the state of  
7 Missouri and who are employed by the department on a part-time or  
8 full-time basis as the department may determine.

9 4. The sole issue at the hearing shall be whether by a  
10 preponderance of the evidence the person was driving a vehicle  
11 pursuant to the circumstances set out in section 302.505. The  
12 burden of proof shall be on the state to adduce such evidence.  
13 If the department finds the affirmative of this issue, the  
14 suspension or revocation order shall be sustained. If the  
15 department finds the negative of the issue, the suspension or  
16 revocation order shall be rescinded.

17 5. The procedure at such hearing shall be conducted in  
18 accordance with chapter 536, with sections 302.500 to 302.540. A  
19 report certified under subsection 2 of section 302.510 shall be  
20 admissible in a like manner as a verified report as evidence of  
21 the facts stated therein and any provision of chapter 536 to the  
22 contrary shall not apply.

23 6. The department shall promptly notify the person of its  
24 decision including the reasons for that decision. Such  
25 notification shall include a notice advising the person that the  
26 department's decision shall be final within fifteen days from the  
27 date such notice was mailed unless the person challenges the  
28 department's decision within that time period by filing an appeal

1 in the circuit court in the county where the arrest occurred.

2 7. Unless the person, within fifteen days after being  
3 notified of the department's decision, files an appeal for  
4 judicial review pursuant to section 302.535, the decision of the  
5 department shall be final.

6 8. The director may adopt any rules and regulations  
7 necessary to carry out the provisions of this section.

8 302.700. 1. Sections 302.700 to 302.780 may be cited as  
9 the "Uniform Commercial Driver's License Act".

10 2. When used in sections 302.700 to 302.780, the following  
11 words and phrases mean:

12 (1) "Alcohol", any substance containing any form of  
13 alcohol, including, but not limited to, ethanol, methanol,  
14 propanol and isopropanol;

15 (2) "Alcohol concentration", the number of grams of alcohol  
16 per one hundred milliliters of blood or the number of grams of  
17 alcohol per two hundred ten liters of breath or the number of  
18 grams of alcohol per sixty-seven milliliters of urine;

19 (3) "CDLIS driver record", the electronic record of the  
20 individual commercial driver's status and history stored by the  
21 state of record as part of the Commercial Driver's License  
22 Information System (CDLIS) established under 49 U.S.C. Section  
23 31309, et seq.;

24 (4) "CDLIS motor vehicle record (CDLIS MVR)", a report  
25 generated from the CDLIS driver record which meets the  
26 requirements for access to CDLIS information and is provided by  
27 states to users authorized in 49 CFR Part 384, subject to the  
28 provisions of the Driver Privacy Protection Act, 18 U.S.C.



Sections 2721 to 2725, et seq.;

(5) "Commercial driver's instruction permit", a permit issued pursuant to section 302.720;

~~[(4)]~~ (6) "Commercial driver's license", a license issued by this state to an individual which authorizes the individual to operate a commercial motor vehicle;

~~[(5)]~~ (7) "Commercial driver's license downgrade", occurs when:

(a) A driver changes the self-certification to interstate, but operates exclusively in transportation or operation excepted from 49 CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2, 391.68, or 398.3;

(b) A driver changes the self-certification to intrastate only, if the driver qualifies under the state's physical qualification requirements for intrastate only;

(c) A driver changes the self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

(d) The state removes the commercial driver's license privilege from the driver's license;

(8) "Commercial driver's license information system", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

~~[(6)]~~ (9) "Commercial motor vehicle", a motor vehicle designed or used to transport passengers or property:

1 (a) If the vehicle has a gross combination weight rating of  
2 twenty-six thousand one or more pounds inclusive of a towed unit  
3 which has a gross vehicle weight rating of ten thousand one  
4 pounds or more;

5 (b) If the vehicle has a gross vehicle weight rating of  
6 twenty-six thousand one or more pounds or such lesser rating as  
7 determined by federal regulation;

8 (c) If the vehicle is designed to transport sixteen or more  
9 passengers, including the driver; or

10 (d) If the vehicle is transporting hazardous materials and  
11 is required to be placarded under the Hazardous Materials  
12 Transportation Act (46 U.S.C. 1801, et seq.);

13 [(7)] (10) "Controlled substance", any substance so  
14 classified under Section 102(6) of the Controlled Substances Act  
15 (21 U.S.C. 802(6)), and includes all substances listed in  
16 schedules I through V of 21 CFR part 1308, as they may be revised  
17 from time to time;

18 [(8)] (11) "Conviction", an unvacated adjudication of  
19 guilt, including pleas of guilt and nolo contendere, or a  
20 determination that a person has violated or failed to comply with  
21 the law in a court of original jurisdiction or an authorized  
22 administrative proceeding, an unvacated forfeiture of bail or  
23 collateral deposited to secure the person's appearance in court,  
24 the payment of a fine or court cost, or violation of a condition  
25 of release without bail, regardless of whether the penalty is  
26 rebated, suspended or prorated, including an offense for failure  
27 to appear or pay;

28 [(9)] (12) "Director", the director of revenue or his

1 authorized representative;

2 [(10)] (13) "Disqualification", any of the following three  
3 actions:

4 (a) The suspension, revocation, or cancellation of a  
5 commercial driver's license;

6 (b) Any withdrawal of a person's privileges to drive a  
7 commercial motor vehicle by a state, Canada, or Mexico as the  
8 result of a violation of federal, state, county, municipal, or  
9 local law relating to motor vehicle traffic control or violations  
10 committed through the operation of motor vehicles, other than  
11 parking, vehicle weight, or vehicle defect violations;

12 (c) A determination by the Federal Motor Carrier Safety  
13 Administration that a person is not qualified to operate a  
14 commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

15 [(11)] (14) "Drive", to drive, operate or be in physical  
16 control of a commercial motor vehicle;

17 [(12)] (15) "Driver", any person who drives, operates, or  
18 is in physical control of a motor vehicle, or who is required to  
19 hold a commercial driver's license;

20 (16) "Driver applicant", an individual who applies to  
21 obtain, transfer, upgrade, or renew a commercial driver's license  
22 in this state;

23 [(13)] (17) "Driving under the influence of alcohol", the  
24 commission of any one or more of the following acts:

25 (a) Driving a commercial motor vehicle with the alcohol  
26 concentration of four one-hundredths of a percent or more as  
27 prescribed by the secretary or such other alcohol concentration  
28 as may be later determined by the secretary by regulation;

1 (b) Driving a commercial or noncommercial motor vehicle  
2 while intoxicated in violation of any federal or state law, or in  
3 violation of a county or municipal ordinance;

4 (c) Driving a commercial or noncommercial motor vehicle  
5 with excessive blood alcohol content in violation of any federal  
6 or state law, or in violation of a county or municipal ordinance;

7 (d) Refusing to submit to a chemical test in violation of  
8 section 577.041, section 302.750, any federal or state law, or a  
9 county or municipal ordinance; or

10 (e) Having any state, county or municipal alcohol-related  
11 enforcement contact, as defined in subsection 3 of section  
12 302.525; provided that any suspension or revocation pursuant to  
13 section 302.505, committed in a noncommercial motor vehicle by an  
14 individual twenty-one years of age or older shall have been  
15 committed by the person with an alcohol concentration of at least  
16 eight-hundredths of one percent or more, or in the case of an  
17 individual who is less than twenty-one years of age, shall have  
18 been committed by the person with an alcohol concentration of at  
19 least two-hundredths of one percent or more, and if committed in  
20 a commercial motor vehicle, a concentration of four-hundredths of  
21 one percent or more;

22 [(14)] (18) "Driving under the influence of a controlled  
23 substance", the commission of any one or more of the following  
24 acts in a commercial or noncommercial motor vehicle:

25 (a) Driving a commercial or noncommercial motor vehicle  
26 while under the influence of any substance so classified under  
27 Section 102(6) of the Controlled Substances Act (21 U.S.C.  
28 802(6)), including any substance listed in schedules I through V

of 21 CFR Part 1308, as they may be revised from time to time;

(b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

(c) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance;

[(15)] (19) "Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle;

(20) "Endorsement", an authorization on an individual's commercial driver's license permitting the individual to operate certain types of commercial motor vehicles;

[(16)] (21) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when transporting fertilizers as defined in subdivision [(21)] (27) of this subsection;

[(17)] (22) "Fatality", the death of a person as a result of a motor vehicle accident;

[(18)] (23) "Felony", any offense under state or federal

1 law that is punishable by death or imprisonment for a term  
2 exceeding one year;

3 (24) "Foreign", outside the fifty states of the United  
4 States and the District of Columbia;

5 **[(19)] (25)** "Gross combination weight rating" or "GCWR",  
6 the value specified by the manufacturer as the loaded weight of a  
7 combination (articulated) vehicle.

8 In the absence of a value specified by the manufacturer, GCWR  
9 will be determined by adding the GVWR of the power unit and the  
10 total weight of the towed unit and any load thereon;

11 **[(20)] (26)** "Gross vehicle weight rating" or "GVWR", the  
12 value specified by the manufacturer as the loaded weight of a  
13 single vehicle;

14 **[(21)] (27)** "Hazardous materials", any material that has  
15 been designated as hazardous under 49 U.S.C. 5103 and is required  
16 to be placarded under subpart F of CFR Part 172 or any quantity  
17 of a material listed as a select agent or toxin in 42 CFR Part  
18 73. Fertilizers, including but not limited to ammonium nitrate,  
19 phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel  
20 or special fuel, shall not be considered hazardous materials when  
21 transported by a farm vehicle provided all other provisions of  
22 this definition are followed;

23 **[(22)] (28)** "Imminent hazard", the existence of a condition  
24 that presents a substantial likelihood that death, serious  
25 illness, severe personal injury, or a substantial endangerment to  
26 health, property, or the environment may occur before the  
27 reasonably foreseeable completion date of a formal proceeding  
28 begins to lessen the risk of that death, illness, injury, or

1     endangerment;

2           [(23)] (29) "Issuance", the initial licensure, license  
3     transfers, license renewals, and license upgrades;

4           (30) "Medical examiner", a person who is licensed,  
5     certified, or registered, in accordance with applicable state  
6     laws and regulations, to perform physical examinations. The term  
7     includes, but is not limited to, doctors of medicine, doctors of  
8     osteopathy, physician assistants, advanced practice nurses, and  
9     doctors of chiropractic;

10          (31) "Medical variance", when a driver has received one of  
11     the following that allows the driver to be issued a medical  
12     certificate:

13          (a) An exemption letter permitting operation of a  
14     commercial motor vehicle under 49 CFR Part 381, Subpart C or 49  
15     CFR Part 391.64;

16          (b) A skill performance evaluation certificate permitting  
17     operation of a commercial motor vehicle under 49 CFR Part 391.49;

18           [(24)] (32) "Motor vehicle", any self-propelled vehicle not  
19     operated exclusively upon tracks;

20           [(25)] (33) "Noncommercial motor vehicle", a motor vehicle  
21     or combination of motor vehicles not defined by the term  
22     "commercial motor vehicle" in this section;

23           [(26)] (34) "Out of service", a temporary prohibition  
24     against the operation of a commercial motor vehicle by a  
25     particular driver, or the operation of a particular commercial  
26     motor vehicle, or the operation of a particular motor carrier;

27           [(27)] (35) "Out-of-service order", a declaration by [the  
28     Federal Highway Administration, or any] an authorized enforcement

1 officer of a federal, state, [Commonwealth of Puerto Rico,]  
2 Canadian, Mexican or any local jurisdiction, that a driver, or a  
3 commercial motor vehicle, or a motor carrier operation, is out of  
4 service under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or  
5 396.9, or comparable laws, or the North American Standard Out-of-  
6 Service Criteria;

7 [(28)] (36) "School bus", a commercial motor vehicle used  
8 to transport preprimary, primary, or secondary school students  
9 from home to school, from school to home, or to and from  
10 school-sponsored events. School bus does not include a bus used  
11 as a common carrier as defined by the Secretary;

12 [(29)] (37) "Secretary", the Secretary of Transportation of  
13 the United States;

14 [(30)] (38) "Serious traffic violation", driving a  
15 commercial motor vehicle in such a manner that the driver  
16 receives a conviction for the following offenses or driving a  
17 noncommercial motor vehicle when the driver receives a conviction  
18 for the following offenses and the conviction results in the  
19 suspension or revocation of the driver's license or noncommercial  
20 motor vehicle driving privilege:

21 (a) Excessive speeding, as defined by the Secretary by  
22 regulation;

23 (b) Careless, reckless or imprudent driving which includes,  
24 but shall not be limited to, any violation of section 304.016,  
25 any violation of section 304.010, or any other violation of  
26 federal or state law, or any county or municipal ordinance while  
27 driving a commercial motor vehicle in a willful or wanton  
28 disregard for the safety of persons or property, or improper or



1 erratic traffic lane changes, or following the vehicle ahead too  
2 closely, but shall not include careless and imprudent driving by  
3 excessive speed;

4 (c) A violation of any federal or state law or county or  
5 municipal ordinance regulating the operation of motor vehicles  
6 arising out of an accident or collision which resulted in death  
7 to any person, other than a parking violation;

8 (d) Driving a commercial motor vehicle without obtaining a  
9 commercial driver's license in violation of any federal or state  
10 or county or municipal ordinance;

11 (e) Driving a commercial motor vehicle without a commercial  
12 driver's license in the driver's possession in violation of any  
13 federal or state or county or municipal ordinance. Any  
14 individual who provides proof to the court which has jurisdiction  
15 over the issued citation that the individual held a valid  
16 commercial driver's license on the date that the citation was  
17 issued shall not be guilty of this offense;

18 (f) Driving a commercial motor vehicle without the proper  
19 commercial driver's license class or endorsement for the specific  
20 vehicle group being operated or for the passengers or type of  
21 cargo being transported in violation of any federal or state law  
22 or county or municipal ordinance; or

23 (g) Any other violation of a federal or state law or county  
24 or municipal ordinance regulating the operation of motor  
25 vehicles, other than a parking violation, as prescribed by the  
26 secretary by regulation;

27 [(31)] (39) "State", a state[, territory or possession] of  
28 the United States[, the District of Columbia, the Commonwealth of

Puerto Rico, Mexico, and any province of Canada];

[(32)] (40) "United States", the fifty states and the District of Columbia.

302.768. 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) Nonexcepted interstate: Certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) Excepted interstate: Certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) Nonexcepted intrastate: Certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) Excepted intrastate: Certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories defined in subsection 1 of this

1 section shall be denied issuance of a commercial driver's license  
2 or commercial driver's instruction permit.

3 3. An applicant certifying to operation in nonexcepted  
4 interstate or nonexcepted intrastate commerce shall provide the  
5 state with an original or copy of a current medical examiners  
6 certificate or a medical examiners certificate accompanied by a  
7 medical variance or waiver. The state shall retain the original  
8 or copy of the documentation of physical qualification for a  
9 minimum of three years beyond the date the certificate was  
10 issued.

11 4. Applicants certifying to operation in nonexcepted  
12 interstate commerce or nonexcepted intrastate commerce shall  
13 provide an updated medical certificate or variance documents to  
14 maintain a certified status during the term of the commercial  
15 driver's license or commercial driver's instruction permit in  
16 order to retain commercial privileges.

17 5. The director shall post the medical examiners  
18 certificate of information, medical variance if applicable, the  
19 applicant's self-certification and certification status to the  
20 Missouri driver record within ten calendar days and such  
21 information will become part of the CDLIS driver record.

22 6. Applicants certifying to operation in nonexcepted  
23 interstate commerce or nonexcepted intrastate commerce who fail  
24 to provide or maintain a current medical examiners certificate,  
25 or if the state has received notice of a medical variance or  
26 waiver expiring or being rescinded, the state shall, within ten  
27 calendar days, update the driver's medical certification status  
28 to "not certified". The state shall notify the driver of the

1 change in certification status and require the driver to annually  
2 comply with requirements for a commercial driver's license  
3 downgrade within sixty days of the expiration of the applicant  
4 certification.

5 7. The department of revenue may, by rule, establish the  
6 cost and criteria for submission of updated medical certification  
7 status information as required under this section.

8 8. Any person who falsifies any information in an  
9 application for or update of medical certification status  
10 information for a commercial driver's license shall not be  
11 licensed to operate a commercial motor vehicle, or the person's  
12 commercial driver's license shall be canceled for a period of one  
13 year after the director discovers such falsification.

14 9. The director may promulgate rules and regulations  
15 necessary to administer and enforce this section. Any rule or  
16 portion of a rule, as that term is defined in section 536.010,  
17 that is created under the authority delegated in this section  
18 shall become effective only if it complies with and is subject to  
19 all of the provisions of chapter 536 and, if applicable, section  
20 536.028. This section and chapter 536 are nonseverable and if  
21 any of the powers vested with the general assembly pursuant to  
22 chapter 536 to review, to delay the effective date, or to  
23 disapprove and annul a rule are subsequently held  
24 unconstitutional, then the grant of rulemaking authority and any  
25 rule proposed or adopted after August 28, 2012, shall be invalid  
26 and void.

27 303.200. After consultation with insurance companies  
28 authorized to issue automobile liability policies in this state,

1 the director of the department of insurance, financial  
2 institutions and professional registration shall approve a  
3 reasonable plan or plans for the equitable apportionment among  
4 such companies of applicants for such policies and for motor  
5 vehicle liability policies who are in good faith entitled to but  
6 are unable to procure such policies through ordinary methods.  
7 When any such plan has been approved, all such insurance  
8 companies shall subscribe thereto and participate therein. Any  
9 such plan shall contract with an entity or entities to accept and  
10 service applicants and policies for any company that does not  
11 elect to accept and service applicants and policies. By October  
12 1 of each year any company that elects to accept and service  
13 applicants and policies for the next calendar year for any such  
14 plan shall so notify the plan. Any company that does not so  
15 notify a plan shall be excused from accepting and servicing  
16 applicants and policies for the next calendar year for such plan  
17 and shall pay a fee to the plan or servicing entity for providing  
18 such services. The fee shall be based on the company's market  
19 share on the kinds of insurance offered by the plan. Any  
20 applicant for any such policy, any person insured under any such  
21 plan, and any insurance company affected, may appeal to the  
22 director from any ruling or decision of the manager or committee  
23 designated to operate such plan. Any person aggrieved hereunder  
24 by any order or act of the director may, within ten days after  
25 notice thereof, file a petition in the circuit court of the  
26 county of Cole for a review thereof. The court shall summarily  
27 hear the petition and may make any appropriate order or decree.

28 304.033. 1. No person shall operate a recreational

off-highway vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway vehicle in a municipality unless such operation is authorized by such municipality as provided for in subdivision (5) of this subsection;

(4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;

(5) Governing bodies of cities may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(6) Governing bodies of counties may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a

1 recreational off-highway vehicle operator owns, or for  
2 agricultural purposes within the boundaries of land which a  
3 recreational off-highway vehicle operator owns or has permission  
4 to be upon, or for the purpose of fording such stream or river of  
5 this state at such road crossings as are customary or part of the  
6 highway system. All law enforcement officials or peace officers  
7 of this state and its political subdivisions or department of  
8 conservation agents or department of natural resources park  
9 rangers shall enforce the provisions of this subsection within  
10 the geographic area of their jurisdiction.

11 3. A person operating a recreational off-highway vehicle on  
12 a highway pursuant to an exception covered in this section shall  
13 have a valid operator's or chauffeur's license, except that a  
14 handicapped person operating such vehicle pursuant to subdivision  
15 (4) of subsection 1 of this section, but shall not be required to  
16 have passed an examination for the operation of a motorcycle. An  
17 individual shall not operate a recreational off-highway vehicle  
18 upon a highway in this state without displaying a lighted  
19 headlamp and a lighted tail lamp. A person may not operate a  
20 recreational off-highway vehicle upon a highway of this state  
21 unless such person wears a seat belt. When operated on a  
22 highway, a recreational off-highway vehicle shall be equipped  
23 with a roll bar or roll cage construction to reduce the risk of  
24 injury to an occupant of the vehicle in case of the vehicle's  
25 rollover.

26 304.120. 1. Municipalities, by ordinance, may establish  
27 reasonable speed regulations for motor vehicles within the limits  
28 of such municipalities. No person who is not a resident of such

1 municipality and who has not been within the limits thereof for a  
2 continuous period of more than forty-eight hours, shall be  
3 convicted of a violation of such ordinances, unless it is shown  
4 by competent evidence that there was posted at the place where  
5 the boundary of such municipality joins or crosses any highway a  
6 sign displaying in black letters not less than four inches high  
7 and one inch wide on a white background the speed fixed by such  
8 municipality so that such sign may be clearly seen by operators  
9 and drivers from their vehicles upon entering such municipality.

10 2. Municipalities, by ordinance, may:

11 (1) Make additional rules of the road or traffic  
12 regulations to meet their needs and traffic conditions;

13 (2) Establish one-way streets and provide for the  
14 regulation of vehicles thereon;

15 (3) Require vehicles to stop before crossing certain  
16 designated streets and boulevards;

17 (4) Limit the use of certain designated streets and  
18 boulevards to passenger vehicles, except that each municipality  
19 shall allow at least one route, with lawful traffic movement and  
20 access from both directions, to be available for use by  
21 commercial motor vehicles to access any roads in the state  
22 highway system. Under no circumstances shall the provisions of  
23 this subdivision be construed to authorize a municipality to  
24 limit the use of all routes in the municipality;

25 (5) Prohibit the use of certain designated streets to  
26 vehicles with metal tires, or solid rubber tires;

27 (6) Regulate the parking of vehicles on streets by the  
28 installation of parking meters for limiting the time of parking



1 and exacting a fee therefor or by the adoption of any other  
2 regulatory method that is reasonable and practical, and prohibit  
3 or control left-hand turns of vehicles;

4 (7) Require the use of signaling devices on all motor  
5 vehicles; and

6 (8) Prohibit sound producing warning devices, except horns  
7 directed forward.

8 3. No ordinance shall be valid which contains provisions  
9 contrary to or in conflict with this chapter, except as herein  
10 provided.

11 4. No ordinance shall impose liability on the owner-lessor  
12 of a motor vehicle when the vehicle is being permissively used by  
13 a lessee and is illegally parked or operated if the registered  
14 owner-lessor of such vehicle furnishes the name, address and  
15 operator's license number of the person renting or leasing the  
16 vehicle at the time the violation occurred to the proper  
17 municipal authority within three working days from the time of  
18 receipt of written request for such information. Any registered  
19 owner-lessor who fails or refuses to provide such information  
20 within the period required by this subsection shall be liable for  
21 the imposition of any fine established by municipal ordinance for  
22 the violation. Provided, however, if a leased motor vehicle is  
23 illegally parked due to a defect in such vehicle, which renders  
24 it inoperable, not caused by the fault or neglect of the lessee,  
25 then the lessor shall be liable on any violation for illegal  
26 parking of such vehicle.

27 5. No ordinance shall deny the use of commercial motor  
28 vehicles on all routes within the municipality. For purposes of

1 this section, the term "route" shall mean any state road, county  
2 road, or public street, avenue, boulevard, or parkway.

3 304.190. 1. No motor vehicle, unladen or with load,  
4 operating exclusively within the corporate limits of cities  
5 containing seventy-five thousand inhabitants or more or within  
6 two miles of the corporate limits of the city or within the  
7 commercial zone of the city shall exceed fifteen feet in height.

8 2. No motor vehicle operating exclusively within any said  
9 area shall have a greater weight than twenty-two thousand four  
10 hundred pounds on one axle.

11 3. The "commercial zone" of the city is defined to mean  
12 that area within the city together with the territory extending  
13 one mile beyond the corporate limits of the city and one mile  
14 additional for each fifty thousand population or portion thereof  
15 provided, however[, ]:

16 \_\_\_\_\_(1) The commercial zone surrounding a city not within a  
17 county shall extend twenty-five miles beyond the corporate limits  
18 of any such city not located within a county and shall also  
19 extend throughout any county with a charter form of government  
20 which adjoins that city and throughout any county with a charter  
21 form of government and with more than two hundred fifty thousand  
22 but fewer than three hundred fifty thousand inhabitants that is  
23 adjacent to such county adjoining such city; [further, provided,  
24 however,]

25 \_\_\_\_\_(2) The commercial zone of a city with a population of at  
26 least four hundred thousand inhabitants but not more than four  
27 hundred fifty thousand inhabitants shall extend twelve miles  
28 beyond the corporate limits of any such city; except that this

1 zone shall extend from the southern border of such city's limits,  
2 beginning with the western-most freeway, following said freeway  
3 south to the first intersection with a multilane undivided  
4 highway, where the zone shall extend south along said freeway to  
5 include a city of the fourth classification with more than eight  
6 thousand nine hundred but less than nine thousand inhabitants,  
7 and shall extend north from the intersection of said freeway and  
8 multilane undivided highway along the multilane undivided highway  
9 to the city limits of a city with a population of at least four  
10 hundred thousand inhabitants but not more than four hundred fifty  
11 thousand inhabitants, and shall extend east from the city limits  
12 of a special charter city with more than two hundred seventy-five  
13 but fewer than three hundred seventy-five inhabitants along state  
14 route 210 and northwest from the intersection of state route 210  
15 and state route 10 to include the boundaries of any city of the  
16 third classification with more than ten thousand eight hundred  
17 but fewer than ten thousand nine hundred inhabitants and located  
18 in more than one county[; further provided, however,]. The  
19 commercial zone described in this subdivision shall be extended  
20 to also include the stretch of state route 45 from its  
21 intersection with Interstate 29 extending northwest to the city  
22 limits of any village with more than forty but fewer than fifty  
23 inhabitants and located in any county of the first classification  
24 with more than eighty-three thousand but fewer than ninety-two  
25 thousand inhabitants and with a city of the fourth classification  
26 with more than four thousand five hundred but fewer than five  
27 thousand inhabitants as the county seat;  
28       (3) The commercial zone of a city of the third

1 classification with more than nine thousand six hundred fifty but  
2 fewer than nine thousand eight hundred inhabitants shall extend  
3 south from the city limits along U.S. Highway 61 to the  
4 intersection of state route 00 in a county of the third  
5 classification without a township form of government and with  
6 more than seventeen thousand eight hundred but fewer than  
7 seventeen thousand nine hundred inhabitants.

8 4. In no case shall the commercial zone of a city be  
9 reduced due to a loss of population. The provisions of this  
10 section shall not apply to motor vehicles operating on the  
11 interstate highways in the area beyond two miles of a corporate  
12 limit of the city unless the United States Department of  
13 Transportation increases the allowable weight limits on the  
14 interstate highway system within commercial zones. In such case,  
15 the mileage limits established in this section shall be  
16 automatically increased only in the commercial zones to conform  
17 with those authorized by the United States Department of  
18 Transportation.

19 **[4.]** 5. Nothing in this section shall prevent a city,  
20 county, or municipality, by ordinance, from designating the  
21 routes over which such vehicles may be operated.

22 **[5.]** 6. No motor vehicle engaged in interstate commerce,  
23 whether unladen or with load, whose operations in the state of  
24 Missouri are limited exclusively to the commercial zone of a  
25 first class home rule municipality located in a county with a  
26 population between eighty thousand and ninety-five thousand  
27 inhabitants which has a portion of its corporate limits  
28 contiguous with a portion of the boundary between the states of

1 Missouri and Kansas, shall have a greater weight than twenty-two  
2 thousand four hundred pounds on one axle, nor shall exceed  
3 fifteen feet in height.

4 304.289. The timing of any traffic-control signal shall  
5 conform to regulations promulgated by the Department of  
6 Transportation. The department of transportation shall establish  
7 minimal yellow light change interval times for traffic-control  
8 devices. The minimal yellow light change interval time shall be  
9 established in accordance with nationally recognized engineering  
10 standards set forth in the Manual on Uniform Traffic Control  
11 Devices, and any such established time shall not be less than the  
12 recognized national standard.

13 306.127. 1. Beginning January 1, 2005, every person born  
14 after January 1, 1984, or as required pursuant to section  
15 306.128, who operates a vessel on the lakes of this state shall  
16 possess, on the vessel, a boating safety identification card  
17 issued by the Missouri state water patrol or its agent which  
18 shows that he or she has:

19 (1) Successfully completed a boating safety course approved  
20 by the National Association of State Boating Law Administrators  
21 and certified by the Missouri state water patrol. The boating  
22 safety course may include a course sponsored by the United States  
23 Coast Guard Auxiliary or the United States Power Squadron. The  
24 Missouri state water patrol may appoint agents to administer a  
25 boater education course or course equivalency examination and  
26 issue boater identification cards under guidelines established by  
27 the water patrol. The Missouri state water patrol shall maintain  
28 a list of approved courses; or

1           (2) Successfully passed an equivalency examination prepared  
2 by the Missouri state water patrol and administered by the  
3 Missouri state water patrol or its agent. The equivalency  
4 examination shall have a degree of difficulty equal to, or  
5 greater than, that of the examinations given at the conclusion of  
6 an approved boating safety course; or

7           (3) A valid master's, mate's, or operator's license issued  
8 by the United States Coast Guard.

9           2. The Missouri state water patrol or its agent shall issue  
10 a permanent boating safety identification card to each person who  
11 complies with the requirements of this section which is valid for  
12 life unless invalidated pursuant to law.

13           3. The Missouri state water patrol may charge a fee for  
14 such card or any replacement card that does not substantially  
15 exceed the costs of administering this section. The Missouri  
16 state water patrol or its designated agent shall collect such  
17 fees. These funds shall be forwarded to general revenue.

18           4. The provisions of this section shall not apply to any  
19 person who:

20           (1) Is licensed by the United States Coast Guard to serve  
21 as master of a vessel;

22           (2) Operates a vessel only on a private lake or pond that  
23 is not classified as waters of the state;

24           (3) Until January 1, 2006, is a nonresident who is visiting  
25 the state for sixty days or less;

26           (4) Is participating in an event or regatta approved by the  
27 water patrol;

28           (5) Is a nonresident who has proof of a valid boating

1 certificate or license issued by another state if the boating  
2 course is approved by the National Association of State Boating  
3 Law Administrators (NASBLA);

4 (6) Is exempted by rule of the water patrol;

5 (7) Is currently serving in any branch of the United States  
6 armed forces, reserves, or Missouri national guard, or any spouse  
7 of a person currently in such service; or

8 (8) Has previously successfully completed a boating safety  
9 education course approved by the National Association of State  
10 Boating Law Administrators (NASBLA).

11 5. The Missouri state water patrol shall inform other  
12 states of the requirements of this section.

13 6. No individual shall be detained or stopped strictly for  
14 the purpose of checking whether the individual possesses a  
15 boating safety identification card or a temporary boater  
16 education permit.

17 7. [Beginning January 1, 2006, any nonresident born after  
18 January 1, 1984, desiring to operate a rental vessel on the lakes  
19 of this state, may obtain a temporary boater education permit by  
20 completing and passing a written examination developed by the  
21 Missouri state water patrol, provided the person meets the  
22 minimum age requirements for operating a vessel in this state.  
23 The Missouri state water patrol is authorized to promulgate rules  
24 for developing the examination and any requirements necessary for  
25 issuance of the temporary boater education permit. The temporary  
26 boater education permit shall expire when the nonresident obtains  
27 a permanent identification card pursuant to subsection 2 of this  
28 section or thirty days after issuance, whichever occurs first.

1 The Missouri state water patrol may charge a fee not to exceed  
2 ten dollars for such temporary permit. Upon successful  
3 completion of an examination and prior to renting a vessel, the  
4 business entity responsible for giving the examination shall  
5 collect such fee and forward all collected fees to the Missouri  
6 state water patrol on a monthly basis for deposit in the state  
7 general revenue fund. Such business entity shall incur no  
8 additional liability in accepting the responsibility for  
9 administering the examination. This subsection shall terminate  
10 on December 31, 2010.] Any person or company that rents or sells  
11 vessels may issue a temporary boating safety identification card  
12 to a nonresident of the state to operate a rented vessel or a  
13 vessel being considered for sale, for a period of up to seven  
14 days, provided that the individual meets the minimum age  
15 requirements for operating a vessel in this state. In order to  
16 qualify for the temporary boating safety identification card, the  
17 applicant shall provide a valid driver's license establishing  
18 that the applicant is a nonresident and shall sign an affidavit  
19 that he or she has reviewed the Missouri State Highway Patrol  
20 Handbook of Missouri Boating Laws and Responsibilities. Any  
21 nonresident holding a valid temporary boating safety  
22 identification card shall be deemed in compliance with the  
23 requirements of this section. The Missouri state highway patrol  
24 shall charge a fee of nine dollars for such temporary boating  
25 safety identification card. Nonresidents shall not be eligible  
26 for more than one temporary boating safety identification card.  
27 No person or company may issue a temporary boating safety  
28 identification card to a nonresident under the provisions of this



1 subsection unless such person or company is capable of submitting  
2 the applicant's temporary boating safety identification card  
3 information and payment in an electronic format as prescribed by  
4 the Missouri state highway patrol. The business entity issuing a  
5 temporary boating safety identification card to a nonresident  
6 under the provisions of this subsection shall transmit the  
7 applicant's temporary boating safety identification card  
8 information electronically to the Missouri state highway patrol,  
9 in a manner and format prescribed by the superintendent, using an  
10 electronic online registration process developed and provided by  
11 the Missouri state highway patrol. The electronic online process  
12 developed and provided by the Missouri state highway patrol shall  
13 allow the applicant to pay the temporary boating safety  
14 identification card fee by credit card or debit card.  
15 Notwithstanding any provision in section 306.185 to the contrary,  
16 all fees collected under the authority of this subsection shall  
17 be deposited in the water patrol division fund. The Missouri  
18 state highway patrol shall promulgate rules for developing the  
19 temporary boating safety identification card and any requirements  
20 necessary to the issuance, processing, and payment of the  
21 temporary boating safety identification card. The Missouri state  
22 highway patrol shall, by rule, develop a boating safety checklist  
23 for each applicant seeking a temporary boating safety  
24 identification card. The provisions of this subsection shall  
25 expire on December 31, 2022.

26 306.400. 1. As used in sections 306.400 to 306.440, the  
27 terms motorboat, vessel, and watercraft shall have the same  
28 meanings given them in section 306.010, and the term outboard

1 motor shall include outboard motors governed by section 306.530.

2 2. Unless excepted by section 306.425, a lien or  
3 encumbrance on an outboard motor, motorboat, vessel, or  
4 watercraft shall not be valid against subsequent transferees or  
5 lienholders of the outboard motor, motorboat, vessel or  
6 watercraft, who took without knowledge of the lien or encumbrance  
7 unless the lien or encumbrance is perfected as provided in  
8 sections 306.400 to 306.430.

9 3. A lien or encumbrance on an outboard motor, motorboat,  
10 vessel or watercraft is perfected by the delivery to the director  
11 of revenue of a notice of lien in a format as prescribed by the  
12 director. Such lien or encumbrance shall be perfected as of the  
13 time of its creation if the delivery of the items required in  
14 this subsection to the director of revenue is completed within  
15 thirty days thereafter, otherwise such lien or encumbrance shall  
16 be perfected as of the time of the delivery. A notice of lien  
17 shall contain the name and address of the owner of the outboard  
18 motor, motorboat, vessel or watercraft and the secured party, a  
19 description of the outboard motor, motorboat, vessel or  
20 watercraft motor, including any identification number, and such  
21 other information as the department of revenue may prescribe. A  
22 notice of lien substantially complying with the requirements of  
23 this section is effective even though it contains minor errors  
24 which are not seriously misleading. Provided the lienholder  
25 submits complete and legible documents, the director of revenue  
26 shall mail confirmation or electronically confirm receipt of each  
27 notice of lien to the lienholder as soon as possible, but no  
28 later than fifteen business days after the filing of the notice

1 of lien.

2 4. Notwithstanding the provisions of section 306.410, on a  
3 refinance by a different lender of a prior loan secured by an  
4 outboard motor, motorboat, vessel or watercraft, a lien is  
5 perfected by the delivery to the director of revenue of a notice  
6 of lien completed by the refinancing lender in a format  
7 prescribed by the director of revenue.

8 5. Liens may secure future advances. The future advances  
9 may be evidenced by one or more notes or other documents  
10 evidencing indebtedness and shall not be required to be executed  
11 or delivered prior to the date of the future advance lien  
12 securing them. The fact that a lien may secure future advances  
13 shall be clearly stated on the security agreement and noted as  
14 "subject to future advances" in the second lienholder's portion  
15 of the notice of lien. To secure future advances when an  
16 existing lien on an outboard motor, motorboat, vessel or  
17 watercraft does not secure future advances, the lienholder shall  
18 file a notice of lien reflecting the lien to secure future  
19 advances. A lien to secure future advances is perfected in the  
20 same time and manner as any other lien, except as follows. Proof  
21 of the lien for future advances is maintained by the department  
22 of revenue; however, there shall be additional proof of such lien  
23 when the notice of lien reflects such lien for future advances,  
24 is receipted for by the department of revenue, and returned to  
25 the lienholder.

26 6. Whether an outboard motor, motorboat, vessel, or  
27 watercraft is subject to a lien or encumbrance shall be  
28 determined by the laws of the jurisdiction where the outboard

1 motor, motorboat, vessel, or watercraft was when the lien or  
2 encumbrance attached, subject to the following:

3 (1) If the parties understood at the time the lien or  
4 encumbrances attached that the outboard motor, motorboat, vessel,  
5 or watercraft would be kept in this state and it is brought into  
6 this state within thirty days thereafter for purposes other than  
7 transportation through this state, the validity and effect of the  
8 lien or encumbrance in this state shall be determined by the laws  
9 of this state;

10 (2) If the lien or encumbrance was perfected pursuant to  
11 the laws of the jurisdiction where the outboard motor, motorboat,  
12 vessel, or watercraft was when the lien or encumbrance attached,  
13 the following rules apply:

14 (a) If the name of the lienholder is shown on an existing  
15 certificate of title or ownership issued by that jurisdiction,  
16 his or her lien or encumbrance continues perfected in this state;

17 (b) If the name of the lienholder is not shown on an  
18 existing certificate of title or ownership issued by the  
19 jurisdiction, the lien or encumbrance continues perfected in this  
20 state for three months after the first certificate of title of  
21 the outboard motor, motorboat, vessel, or watercraft is issued in  
22 this state, and also thereafter if, within the three-month  
23 period, it is perfected in this state. The lien or encumbrance  
24 may also be perfected in this state after the expiration of the  
25 three-month period, in which case perfection dates from the time  
26 of perfection in this state;

27 (3) If the lien or encumbrance was not perfected pursuant  
28 to the laws of the jurisdiction where the outboard motor,

1 motorboat, vessel, or watercraft was when the lien or encumbrance  
2 attached, it may be perfected in this state, in which case  
3 perfection dates from the time of perfection in this state;

4 (4) A lien or encumbrance may be perfected pursuant to  
5 paragraph (b) of subdivision (2) or subdivision (3) of this  
6 subsection in the same manner as provided in subsection 3 of this  
7 section.

8 7. The director of revenue shall by rules and regulations  
9 establish a security procedure to verify that an electronic  
10 notice or lien or notice of satisfaction of a lien on an outboard  
11 motor, motorboat, vessel or watercraft given pursuant to sections  
12 306.400 to 306.440 is that of the lienholder, to verify that an  
13 electronic notice of confirmation of ownership and perfection of  
14 a lien given pursuant to section 306.410 is that of the director  
15 of revenue and to detect error in the transmission or the content  
16 of any such notice. Such a security procedure may require the  
17 use of algorithms or other codes, identifying words or numbers,  
18 encryption, callback procedures or similar security devices.  
19 Comparison of a signature on a communication with an authorized  
20 specimen signature shall not by itself constitute a security  
21 procedure.

22 307.365. 1. No permit for an official inspection station  
23 shall be assigned or transferred or used at any location other  
24 than therein designated and every permit shall be posted in a  
25 conspicuous place at the location designated. The superintendent  
26 of the Missouri state highway patrol shall design and furnish  
27 each official inspection station, at no cost, one official sign  
28 made of metal or other durable material to be displayed in a

1 conspicuous location to designate the station as an official  
2 inspection station. Additional signs may be obtained by an  
3 official inspection station for a fee equal to the cost to the  
4 state. Each inspection station shall also be supplied with one  
5 or more posters which must be displayed in a conspicuous location  
6 at the place of inspection and which informs the public that  
7 required repairs or corrections need not be made at the  
8 inspection station.

9       2. No person operating an official inspection station  
10 pursuant to the provisions of sections 307.350 to 307.390 may  
11 issue a certificate of inspection and approval for any vehicle  
12 except upon an official form furnished by the superintendent of  
13 the Missouri state highway patrol for that purpose and only after  
14 inspecting the vehicle and determining that its brakes, lighting  
15 equipment, signaling devices, steering mechanisms, horns,  
16 mirrors, windshield wipers, tires, wheels, exhaust system,  
17 glazing, air pollution control devices, fuel system and any other  
18 safety equipment as required by the state are in proper condition  
19 and adjustment to be operated upon the public highways of this  
20 state with safety to the driver or operator, other occupants  
21 therein, as well as other persons and property upon the highways,  
22 as provided by sections 307.350 to 307.390 and the regulations  
23 prescribed by the superintendent of the Missouri state highway  
24 patrol. Brakes may be inspected for safety by means of visual  
25 inspection or computerized brake testing. No person operating an  
26 official inspection station shall furnish, loan, give or sell a  
27 certificate of inspection and approval to any other person except  
28 those entitled to receive it under provisions of sections 307.350

1 to 307.390. No person shall have in such person's possession any  
2 certificate of inspection and approval and/or inspection sticker  
3 with knowledge that the certificate and/or inspection sticker has  
4 been illegally purchased, stolen or counterfeited.

5 3. The superintendent of the Missouri state highway patrol  
6 may require officially designated stations to furnish reports  
7 upon forms furnished by the superintendent for that purpose as  
8 the superintendent considers reasonably necessary for the proper  
9 and efficient administration of sections 307.350 to 307.390.

10 4. If, upon inspection, defects or unsafe conditions are  
11 found, the owner may correct them or shall have them corrected at  
12 any place the owner chooses within twenty days after the defect  
13 or unsafe condition is found, and shall have the right to remove  
14 the vehicle to such place for correction, but before the vehicle  
15 is operated thereafter upon the public highways of this state, a  
16 certificate of inspection and approval must be obtained. The  
17 inspecting personnel of the official inspection station must  
18 inform the owner that the corrections need not be made at the  
19 inspection station.

20 5. A fee, not to exceed twelve dollars, as determined by  
21 each official inspection station, may be charged by an official  
22 inspection station for each official inspection including the  
23 issuance of the certificate of inspection and approval, sticker,  
24 seal or other device and a total fee, not to exceed ten dollars,  
25 as determined by each official inspection station, may be charged  
26 for an official inspection of a trailer or motorcycle, which  
27 shall include the issuance of the certificate of inspection and  
28 approval, sticker, seal or other device. Such fee shall be

1 conspicuously posted on the premises of each such official  
2 inspection station. No owner shall be charged an additional  
3 inspection fee upon having corrected defects or unsafe conditions  
4 found in an inspection completed within the previous twenty  
5 consecutive days, excluding Saturdays, Sundays and holidays, if  
6 such follow-up inspection is made by the station making the  
7 initial inspection. Every inspection for which a fee is charged  
8 shall be a complete inspection, and upon completion of the  
9 inspection, if any defects are found the owner of the vehicle  
10 shall be furnished a list of the defects and a receipt for the  
11 fee paid for the inspection. If the owner of a vehicle decides  
12 to have any necessary repairs or corrections made at the official  
13 inspection station, the owner shall be furnished a written  
14 estimate of the cost of such repairs before such repairs or  
15 corrections are made by the official inspection station. The  
16 written estimate shall have plainly written upon it that the  
17 owner understands that the corrections need not be made by the  
18 official inspection station and shall have a signature line for  
19 the owner. The owner must sign below the statement on the  
20 signature line before any repairs are made.

21 6. Certificates of inspection and approval, sticker, seal  
22 or other device shall be purchased by the official inspection  
23 stations from the superintendent of the Missouri state highway  
24 patrol. The superintendent of the Missouri state highway patrol  
25 shall collect a fee of one dollar and fifty cents for each  
26 certificate of inspection, sticker, seal or other device issued  
27 to the official inspection stations, except that no charge shall  
28 be made for certificates of inspection, sticker, seal or other



1 device issued to official inspection stations operated by  
2 governmental entities. All fees collected shall be deposited in  
3 the state treasury with one dollar of each fee collected credited  
4 to the state highway fund and, for the purpose of administering  
5 and enforcing the state motor vehicle laws and traffic  
6 regulations, fifty cents credited to the "Highway Patrol  
7 Inspection Fund" which is hereby created. The moneys collected  
8 and deposited in the highway patrol inspection fund shall be  
9 expended subject to appropriations by the general assembly for  
10 the administration and enforcement of sections 307.350 to 307.390  
11 by the Missouri state highway patrol. The unexpended balance in  
12 the fund at the end of each biennium exceeding the amount of the  
13 appropriations from the fund for the first two fiscal years shall  
14 be transferred to the state road fund, and the provisions of  
15 section 33.080, relating to the transfer of funds to the general  
16 revenue fund at the end of the biennium, shall not apply to the  
17 fund.

18 7. The owner or operator of any inspection station who  
19 discontinues operation during the period that a station permit is  
20 valid or whose station permit is suspended or revoked shall  
21 return all official signs and posters and any current unused  
22 inspection stickers, seals or other devices to the superintendent  
23 of the Missouri state highway patrol and shall receive a full  
24 refund on request except for official signs and posters, provided  
25 the request is made during the calendar year or within sixty days  
26 thereafter in the manner prescribed by the superintendent of the  
27 Missouri state highway patrol. Stations which have a valid  
28 permit shall exchange unused previous year issue inspection

1 stickers and/or decals for an identical number of current year  
2 issue, provided the unused stickers and/or decals are submitted  
3 for exchange not later than April thirtieth of the current  
4 calendar year, in the manner prescribed by the superintendent of  
5 the Missouri state highway patrol.

6 8. Notwithstanding the provisions of section 307.390 to the  
7 contrary, a violation of this section shall be a class C  
8 misdemeanor.

9 9. The owner or operator of any inspection station shall  
10 maintain liability insurance at all times to cover possible  
11 damage to vehicles during the inspection process.

12 387.040. 1. No motor carrier subject to the provisions of  
13 this chapter shall engage or participate in the transportation of  
14 passengers [or household goods], between points within this  
15 state, until its schedules of rates, fares and charges shall have  
16 been filed with the state Highways and Transportation Commission  
17 and published in accordance with the provisions of this chapter.  
18 Any motor carrier, which shall undertake to perform any service  
19 or furnish any product or commodity unless or until the rates,  
20 tolls, fares, charges, classifications and rules and regulations  
21 relating thereto, applicable to such service, product or  
22 commodity, have been filed with the Highways and Transportation  
23 Commission and published in accordance with the provisions of  
24 this chapter, shall be subject to forfeiture to the state  
25 pursuant to the provisions of sections 390.156 to 390.176.

26 2. [Notwithstanding subsection 1 of this section, a motor  
27 carrier shall not be required to file its schedules of rates,  
28 fares, and charges for shipments of household goods that are

1 transported wholly or exclusively within a commercial zone as  
2 defined in 390.020 or within a commercial zone established by the  
3 Highways and Transportation Commission pursuant to the provisions  
4 of subdivision (4) of section 390.041.] Notwithstanding any  
5 provision of this chapter or chapter 390 to the contrary, a motor  
6 carrier transporting household goods in intrastate commerce shall  
7 not be required to file its schedule of rates, fares, and charges  
8 with the state Highways and Transportation Commission. In lieu  
9 of filing its schedules of rates, fares, charges, rules, or tolls  
10 with the state Highways and Transportation Commission, a motor  
11 carrier transporting household goods in intrastate commerce shall  
12 maintain and publish its schedules of rates, fares, charges,  
13 rules, and tolls in every station or office as described in  
14 subsection 3 of section 387.050 and such rates shall be available  
15 for inspection by the state Highways and Transportation  
16 Commission, shippers, and the public upon request. Any motor  
17 carrier transporting household goods in intrastate commerce that  
18 fails to comply with the provisions of this subsection shall be  
19 subject to forfeiture to the state pursuant to the provisions of  
20 sections 390.156 to 390.176.

21 387.050. 1. Every motor carrier shall file with the  
22 [division of motor carrier and railroad safety] state Highways  
23 and Transportation Commission and shall print and keep open to  
24 public inspection schedules showing the rates, fares and charges  
25 for the transportation of passengers and household goods within  
26 this state between each point upon its route and all other points  
27 thereon and between each point upon its route and all points upon  
28 every route leased, operated or controlled by it and between each

1 point on its route or upon any route leased, operated or  
2 controlled by it and all points upon the route of any other motor  
3 carrier, whenever a through route and joint rate shall have been  
4 established or ordered between any two such points. If no joint  
5 rate over a through route has been established, the several  
6 carriers in such through route shall file, print and keep open to  
7 public inspection, as aforesaid, the separately established  
8 rates, fares and charges applied to the through transportation.  
9 Beginning August 28, 2012, motor carriers shall not be required  
10 to file their schedules showing the rates, fares, rules, and  
11 charges for the transportation of household goods within this  
12 state but shall print and keep open for public inspection such  
13 schedules in accordance with this section and section 387.040.

14 2. The schedules printed as aforesaid shall plainly state  
15 the places between which household goods and passengers will be  
16 carried, and shall also contain the classification of passengers  
17 or household goods in force, and shall also state separately all  
18 terminal charges, storage charges, icing charges and all other  
19 charges which the [division] state Highways and Transportation  
20 Commission may require to be stated, all privileges or facilities  
21 granted or allowed, and any rules or regulations which may in any  
22 way change, affect or determine any part or the aggregate of such  
23 aforesaid rates, fares and charges, or the value of the service  
24 rendered to the passenger, shipper or consignee.

25 3. Such schedules shall be plainly printed in large type,  
26 and a copy thereof shall be kept by every such carrier readily  
27 accessible to and for convenient inspection by the public in  
28 every station or office of such carrier where passengers or

1 household goods are respectively received for transportation,  
2 when such station or office is in charge of an agent, and in  
3 every station or office of such carrier where passenger tickets  
4 for transportation or tickets covering bills of lading or  
5 receipts for household goods are issued. All or any of such  
6 schedules kept as aforesaid shall be immediately produced by such  
7 carrier for inspection upon the demand of any person.

8 4. A notice printed in bold type and stating that such  
9 schedules are on file with the agent and open to inspection by  
10 any person and that the agent will assist any such person to  
11 determine from such schedules any transportation rates or fares  
12 or rules or regulations which are in force shall be kept posted  
13 by the carrier in two public and conspicuous places in every such  
14 station or office.

15 5. The form of every such schedule shall be prescribed by  
16 the [division] state Highways and Transportation Commission.

17 6. The [division] state Highways and Transportation  
18 Commission shall have power, from time to time, in its  
19 discretion, to determine and prescribe by order such changes in  
20 the form of such schedules as may be found expedient, and to  
21 modify the requirements of this section in respect to publishing,  
22 posting and filing of schedules either in particular instances or  
23 by general order applicable to special or peculiar circumstances  
24 or conditions.

25 387.080. 1. The names of the several carriers which are  
26 parties to any joint tariff shall be specified therein, and each  
27 of the parties thereto, other than the one filing the same, shall  
28 file with the [division of motor carrier and railroad safety]

1 state Highways and Transportation Commission such evidence of  
2 concurrence therein or acceptance thereof as may be required or  
3 approved by the [division] state Highways and Transportation  
4 Commission; and where such evidence of concurrence or acceptance  
5 is filed, it shall not be necessary for the carriers filing the  
6 same also to file copies of the tariffs in which they are named  
7 as parties. The provisions of this subsection shall not apply to  
8 motor carriers of household goods. Carriers of household goods  
9 participating in through routes or interline service shall  
10 publish joint tariffs and evidence of concurrence or acceptance  
11 thereof or individual tariffs for each participating carrier in  
12 accordance with sections 387.040 and 387.050.

13 2. Every motor carrier shall file with the [division] state  
14 Highways and Transportation Commission sworn copies of every  
15 contract, agreement or arrangement with any other motor carrier  
16 or motor carriers relating in any way to the transportation of  
17 passengers [or property].

18 3. Motor carriers of household goods are prohibited from  
19 participation in any joint tariff pursuant to the provisions of  
20 this chapter, except that this subsection shall not prohibit  
21 joint tariffs relating to joint rates for household goods  
22 transportation over any through routes or by interline service  
23 performed by two or more separate motor carriers.

24 387.110. [1.] No motor carrier shall make or give any  
25 undue or unreasonable preference or advantage to any person or  
26 corporation or to any locality or to any particular description  
27 of traffic in any respect whatsoever, or subject any particular  
28 person or corporation or locality or any particular description

1 of traffic, to any undue or unreasonable prejudice or  
2 disadvantage in any respect whatsoever.

3 [2. Notwithstanding any other provision of law to the  
4 contrary, no common carrier of household goods shall use any  
5 schedule of rates or charges, or both, for the transportation of  
6 household goods within this state which divides this state into  
7 territorial rate areas. Any schedule of rates or charges, or  
8 both, which divides, or attempts to divide, this state into  
9 territorial rate areas is unjust, unreasonable, and invalid.]

10 387.137. The state Highways and Transportation Commission  
11 shall establish consumer protection requirements for motor  
12 carriers transporting household goods in intrastate commerce and  
13 establish a system for filing, logging, and responding to  
14 consumer complaints.

15 387.139. 1. The division of motor carrier services shall  
16 keep an information file about each complaint filed with it  
17 regarding the movement of household goods in intrastate commerce.  
18 The division of motor carrier service's information file shall be  
19 kept current and contain a record for each complaint of:

- 20 (1) All persons contacted in relation to the complaint;  
21 (2) A summary of findings in response to the complaint;  
22 (3) An explanation of the reason for a complaint that is  
23 dismissed; and  
24 (4) Any other relevant information.

25 2. If a written complaint is filed with the division that  
26 is within the division's jurisdiction, the division, at least as  
27 frequently as quarterly and until final disposition of the  
28 complaint, shall notify the complainant of the status of the

1 complaint unless the notice would jeopardize an ongoing  
2 investigation.

3 3. The state Highways and Transportation Commission shall  
4 adopt by rule a form to standardize information concerning  
5 complaints made to the division of motor carrier services  
6 regarding the transportation of household goods. The commission  
7 shall prescribe by rule information to be provided to a person  
8 when the person files a complaint with the division of motor  
9 carrier services.

10 4. The state Highways and Transportation Commission shall  
11 promulgate rules and regulations for the implementation and  
12 administration of this section. Any rule or portion of a rule,  
13 as that term is defined in section 536.010 that is created under  
14 the authority delegated in this section shall become effective  
15 only if it complies with and is subject to all of the provisions  
16 of chapter 536, and, if applicable, section 536.028. This  
17 section and chapter 536 are nonseverable and if any of the powers  
18 vested with the general assembly pursuant to chapter 536, to  
19 review, to delay the effective date, or to disapprove and annul a  
20 rule are subsequently held unconstitutional, then the grant of  
21 rulemaking authority and any rule proposed or adopted after  
22 August 28, 2012, shall be invalid and void.

23 387.207. 1. All rates, tolls, charges, schedules and joint  
24 rates fixed by the [division] state Highways and Transportation  
25 Commission with reference to the transportation of passengers [or  
26 household goods] by motor carrier shall be in force and shall be  
27 prima facie lawful, and all regulations, practices and services  
28 prescribed by the [division] commission shall be in force and



1 shall be prima facie lawful and reasonable until found otherwise  
2 in a suit brought for that purpose pursuant to the provisions of  
3 this chapter.

4 2. All rates, tolls, charges, schedules, and joint rates  
5 published in accordance with subsection 3 of section 387.050 with  
6 reference to the transportation of household goods by motor  
7 carrier shall be in force and shall be prima facie lawful, and  
8 all regulations, practices and services prescribed by the state  
9 Highways and Transportation Commission shall be in force and  
10 shall be prima facie lawful and reasonable until found otherwise  
11 in a suit brought for that purpose pursuant to the provisions of  
12 this chapter.

13 387.355. On August 28, 2012, all rate orders issued by the  
14 state Highways and Transportation Commission or its predecessors  
15 affecting the transportation of household goods by common  
16 carriers in intrastate commerce, pursuant to the authority of any  
17 of the provisions in this chapter or chapter 390, shall be  
18 vacated and set aside, but only to the extent that those rate  
19 orders require or prescribe any minimum rates, maximum rates, or  
20 minimum-and-maximum rates for the transportation of household  
21 goods by common carriers in intrastate commerce. This section  
22 shall not vacate or set aside any other requirements or  
23 provisions contained in those rate orders.

24 390.051. 1. Except as otherwise provided in section  
25 390.030, no person shall engage in the business of a common  
26 carrier of household goods or passengers in intrastate commerce  
27 on any public highway in this state unless there is in force with  
28 respect to such carrier a certificate issued by the [division]

1 state Highways and Transportation Commission authorizing such  
2 operations.

3 2. Application for a certificate shall be made in writing  
4 to the [division] state Highways and Transportation Commission  
5 and shall contain such information as the [division] state  
6 Highways and Transportation Commission shall, by rule, require  
7 and shall include:

8 (1) Full information concerning the ownership, financial  
9 [condition] status of applicant through the submission of  
10 documentation describing assets, liabilities, and capital,  
11 equipment to be used and a statement listing the physical  
12 equipment of applicant and the reasonable value thereof;

13 (2) The complete route or routes over which the applicant  
14 desires to operate, or territory to be served; except that the  
15 state Highways and Transportation Commission shall not restrict  
16 any certificate or permit authorizing the transportation of  
17 household goods or passengers with reference to any route or  
18 routes; except that the state Highways and Transportation  
19 Commission shall restrict the applicant's registration against  
20 the transportation of any hazardous material as designated in  
21 Title 49, Code of Federal Regulations, if the state Highways and  
22 Transportation Commission finds that the applicant has not shown  
23 it is qualified to safely transport that hazardous material in  
24 compliance with all registration, liability insurance, and safety  
25 requirements applicable to the transportation of that hazardous  
26 material pursuant to Title 49, Code of Federal Regulations;

27 (3) The proposed rates, schedule or schedules, or timetable  
28 of the applicant.

1           3. [Except as provided for in subsection 4 of this section,  
2 if the division] If the state Highways and Transportation  
3 Commission finds that an applicant seeking to transport [general  
4 and specialized commodities in truckload lots, agricultural  
5 commodities in bulk in dump trucks] household goods or passengers  
6 [in charter service] is fit, willing and able to properly perform  
7 the service proposed and to conform to the provisions of this  
8 chapter and the requirements, rules and regulations of the  
9 [division] state Highways and Transportation Commission  
10 established thereunder, a certificate therefor shall be issued.

11           4. [If the division finds that an applicant seeking to  
12 transport:

13           (1) General and specialized commodities in  
14 less-than-truckload lots;

15           (2) Commodities in bulk in dump trucks, other than  
16 agricultural commodities in bulk in dump trucks, as defined in  
17 section 390.020;

18           (3) Mobile homes;

19           (4) Household goods;

20           (5) Passengers other than in charter service;

21           (6) Gasoline, fuel oil or liquefied petroleum gas;

22           (7) Boats; is fit, willing and able to properly perform the  
23 service proposed, and to conform to the provisions of this  
24 chapter and the requirement, rules and regulations of the  
25 division, and that the service proposed will serve a useful  
26 present or future public purpose, a certificate therefor  
27 specifying the service authorized shall be issued, unless the  
28 division finds on the basis of evidence presented by persons

1 objecting to the issuance of a certificate that the  
2 transportation to be authorized by the certificate will be  
3 inconsistent with the public convenience and necessity.

4 5. In making findings under subsection 4 of this section,  
5 the division shall consider the testimony of the applicant, the  
6 proposed users of the service contemplated by the applicant, and  
7 any other relevant testimony or evidence, and the division shall  
8 consider, and to the extent applicable, make findings on at least  
9 the following:

10 (1) The transportation policy of section 390.011; and

11 (2) The criteria set forth in this subsection. In cases  
12 where persons object to the issuance of a certificate, the  
13 diversion of revenue or traffic from existing carriers shall be  
14 considered.

15 6.] The [division] state Highways and Transportation  
16 Commission shall streamline and simplify to the maximum extent  
17 practicable the process for issuance of certificates to which the  
18 provisions of this section apply. The state Highways and  
19 Transportation Commission is authorized to enter into interagency  
20 agreements with any entity created and operating under the  
21 provisions of section 67.1800 to 67.1822 to deal with any public  
22 safety issues that may arise as a result of the provisions of  
23 this section.

24 [7.] 5. The [division] state Highways and Transportation  
25 Commission shall dismiss on its motion any application for  
26 substantially the same common [or contract] authority that has  
27 been previously denied within six months of filing the subsequent  
28 application.

1       390.054. Beginning August 28, 2012, and continuing  
2 thereafter, no certificate or permit to transport household goods  
3 in intrastate commerce shall be issued or renewed unless the  
4 applicant demonstrates that the applicant has workers'  
5 compensation insurance coverage that complies with chapter 287,  
6 for all employees. If any household goods carrier subject to the  
7 provisions of this chapter or chapter 387 is found by the  
8 division of workers' compensation to be out of compliance with  
9 chapter 287, the division shall report such fact to the state  
10 Highways and Transportation Commission. The commission shall  
11 suspend the household goods carrier's certificate or permit  
12 pursuant to section 390.106 until such time as the carrier  
13 demonstrates that it has procured workers' compensation insurance  
14 coverage that complies with chapter 287.

15       390.061. 1. Except as otherwise provided in section  
16 390.030, no person shall engage in the business of a contract  
17 carrier of household goods or passengers in intrastate commerce  
18 on any public highway in this state unless there is in force with  
19 respect to such carrier a permit issued by the [division of motor  
20 carrier and railroad safety] state Highways and Transportation  
21 Commission authorizing such operations.

22       2. Applications for such permits shall be made to the  
23 [division] state Highways and Transportation Commission in  
24 writing and shall contain such information as the [division]  
25 state Highways and Transportation Commission shall, by rule,  
26 require and shall include:

27       (1) Full information concerning the ownership, financial  
28 [condition] status of applicant through the submission of

1 documentation describing assets, liabilities, and capital,  
2 equipment to be used and a statement listing the physical  
3 equipment of applicant and the reasonable value thereof;

4 (2) The complete route or routes over which the applicant  
5 desires to operate, or territory to be served; except that the  
6 state Highways and Transportation Commission shall not restrict  
7 any certificate or permit authorizing the transportation of  
8 household goods or passengers with reference to any route or  
9 routes; except that the state Highways and Transportation  
10 Commission shall restrict the applicant's registration against  
11 the transportation of any hazardous material as designated in  
12 Title 49, Code of Federal Regulations, if the state Highways and  
13 Transportation Commission finds that the applicant has not shown  
14 it is qualified to safely transport that hazardous material in  
15 compliance with all registration, liability insurance, and safety  
16 requirements applicable to the transportation of that hazardous  
17 material pursuant to Title 49, Code of Federal Regulations.

18 3. If the [division] state Highways and Transportation  
19 Commission shall find that the applicant is seeking to transport  
20 [general and specialized commodities in truckload lots,  
21 agricultural commodities in bulk,] household goods or passengers  
22 [in charter service], and is fit, willing and able to properly  
23 perform the service proposed and to conform to the provisions of  
24 this chapter and the requirements, rules and regulations of the  
25 [division] state Highways and Transportation Commission  
26 thereunder, a permit therefor shall be issued.

27 4. [If the division finds that an applicant seeking to  
28 transport commodities or passengers as described in subsection 4

1 of section 390.051 is fit, willing and able to properly perform  
2 the service proposed, and to conform to the provisions of this  
3 chapter and the requirements, rules and regulations of the  
4 division, and that the service proposed will serve a useful  
5 present or future purpose, a permit therefor specifying the  
6 service authorized shall be issued, unless the division finds on  
7 the basis of evidence presented by persons objecting to the  
8 issuance of a permit that the transportation to be authorized by  
9 the permit will be inconsistent with the public convenience and  
10 necessity.

11       5.] Any permit issued under this section shall specify the  
12 service to be rendered, the contracting parties, and the points  
13 or area to be served.

14       [6.] 5. The [division] state Highways and Transportation  
15 Commission will not have jurisdiction over contract rates. A  
16 copy of the original contract must be filed with the [division]  
17 state Highways and Transportation Commission prior to issuance of  
18 a permit. In the event the applicant chooses not to disclose  
19 contract rates in the application, the contract shall contain in  
20 lieu of rates a specific provision which incorporates by  
21 reference a schedule of rates, in writing, to be effective  
22 between carrier and shipper. Current contracts and rate  
23 schedules must be maintained by the carrier and contracting  
24 shippers. A contract permit, authorizing the transportation of  
25 [commodities] household goods or passengers [other than as  
26 described in subsection 4 of section 390.051], may be amended to  
27 include additional contracting parties by the filing of said  
28 contracts with the [division] state Highways and Transportation

1 Commission and acknowledgment by the [division] state Highways  
2 and Transportation Commission.

3 6. The state Highways and Transportation Commission is  
4 authorized to enter into interagency agreements with any entity  
5 created and operating under the provisions of section 67.1800 to  
6 67.1822 to deal with any public safety issues that may arise as a  
7 result of the provisions of this section.

8 390.063. 1. As used in this chapter, the following terms  
9 mean:

10 (1) "Elderly", any person who is sixty years of age or  
11 older;

12 (2) "Handicapped", any person having a physical or mental  
13 condition, either permanent or temporary, which would  
14 substantially impair ability to operate or utilize available  
15 transportation; and

16 (3) "Urbanized area", an area so designated by the United  
17 States Bureau of Census as provided under section 12(c)(11) of  
18 the Urban Mass Transportation Act of 1964, as amended, and which  
19 has a population of more than fifty thousand persons.

20 2. Notwithstanding any provisions of this chapter to the  
21 contrary, the division shall issue a certificate or permit in  
22 accordance with the provisions of this section to a  
23 not-for-profit corporation seeking to transport by motor vehicle,  
24 as a common carrier or contract carrier in intrastate commerce,  
25 exclusively passengers other than in charter service who are:

26 (1) Elderly;

27 (2) Handicapped;

28 (3) Preschool disadvantaged children transported for the



1 purpose of participating in a federal Head Start program; or

2 (4) Transported in areas other than urbanized areas as  
3 defined in this section, for which the motor carrier is  
4 authorized to be subsidized or reimbursed under section 18 of the  
5 Urban Mass Transportation Act of 1964, as amended, section 1614  
6 of Title 49, United States Code, with federal funds administered  
7 by the Missouri transportation department, except that priority  
8 shall be given to serving passengers who are elderly, handicapped  
9 or preschool disadvantaged children under the certificate or  
10 permit issued under this section.

11 3. A not-for-profit corporation seeking a certificate or  
12 permit under this section shall make a written application to the  
13 division, in the form and containing the information which the  
14 division shall require by rule. The application shall include at  
15 least a complete description of the routes or territory to be  
16 served, and a list of the equipment to be used by the applicant  
17 in providing the proposed service. If the division finds that an  
18 applicant seeking to transport passengers as described in  
19 subsection 2 of this section is willing and able to properly  
20 perform the service proposed and to conform to the applicable  
21 provisions of this chapter, and the applicable rules and orders  
22 of the division, a certificate or permit authorizing such  
23 transportation shall be issued. The division may, by rule, make  
24 reasonable requirements to prevent the unauthorized  
25 transportation of passengers other than as described in  
26 subsection 2 of this section, by motor carriers to whom a  
27 certificate or permit is issued under this section.

28 4. The division shall not have jurisdiction over the rates

1 charged by motor carriers for the transportation of passengers as  
2 described in subsection 2 of this section and provided under the  
3 authority of a certificate or permit issued under this section.  
4 Such motor carriers shall not be required to file with the  
5 division or publish tariff schedules setting forth their rates  
6 and charges for such transportation.

7 5. The provisions of section 390.136 shall not apply to  
8 motor vehicles exclusively used to transport passengers as  
9 described in subsection 2 of this section under the authority of  
10 a certificate or permit issued under this section.

11 [6. Notwithstanding any provisions of subsection 3 of  
12 section 390.030 to the contrary, it is unlawful for any person to  
13 operate any motor vehicle having a capacity of more than five  
14 passengers, exclusive of the driver, in intrastate commerce or  
15 operate any motor vehicle designed to transport more than fifteen  
16 passengers, including the driver, in interstate commerce, unless  
17 the vehicle is equipped and operated as required by parts 390  
18 through 397, Title 49, Code of Federal Regulations, as those  
19 regulations have been and may periodically be amended. Those  
20 regulations are hereby made applicable to all passenger-carrying  
21 motor vehicles having a capacity of more than five passengers,  
22 exclusive of the driver, when operated in intrastate commerce,  
23 and to all motor vehicles designed to transport more than fifteen  
24 passengers, including the driver, when operated in interstate  
25 commerce, and the division shall have power and authority to  
26 enforce those regulations wholly within terminals, as they apply  
27 to those motor vehicles and drivers.]

28 390.116. 1. Common carriers of [property] household goods

1 may establish reasonable through routes or interline service and  
2 joint rates, charges and classifications with other such carriers  
3 or with common carriers by railroad or express; and common  
4 carriers of passengers may establish reasonable through routes  
5 and joint rates, fares or charges with other such carriers or  
6 with common carriers by railroad. In case of such joint rates,  
7 fares, charges or classifications, it shall be the duty of the  
8 participating carriers[, parties thereto,] to establish just and  
9 reasonable regulations and practices in connection therewith, and  
10 just, reasonable and equitable divisions thereof as between the  
11 carriers participating therein which shall not unduly prefer or  
12 prejudice any of such participating carriers and shall not result  
13 in any rate, fare, charge, classification, regulation, or  
14 practice that is unjust or unreasonable to the shipper or  
15 receiver of the household goods. Carriers of household goods  
16 participating in through routes or interline service shall  
17 publish joint tariffs and evidence of concurrence or acceptance  
18 thereof, in accordance with section 387.080, or individual  
19 tariffs for each participating carrier, which shall set forth the  
20 joint or individual rates, fares, charges, classifications,  
21 regulations, practices, and division of rates applicable to such  
22 through routes or interline service, all in accordance with the  
23 applicable provisions in chapter 387.

24 2. The [division] state Highways and Transportation  
25 Commission may, whenever deemed by it to be necessary or  
26 desirable in the public interest, after hearing, upon complaint  
27 or upon its own motion, order the establishment of just and  
28 reasonable through routes and joint rates, fares, charges,

1 regulations or practices, applicable to the transportation of  
2 passengers [or property] by common carriers.

3 390.201. Subject to any exceptions which are applicable  
4 under section 307.400 [or subsection 6 of section 390.063], the  
5 officers and commercial motor vehicle inspectors of the state  
6 highway patrol, the enforcement personnel of the division of  
7 motor carrier and railroad safety, and other authorized peace  
8 officers of this state and any civil subdivision of this state,  
9 may enforce any of the provisions of Parts 350 through 399 of  
10 Title 49, Code of Federal Regulations, as those regulations have  
11 been and may periodically be amended, as they apply to motor  
12 vehicles and drivers operating in interstate or intrastate  
13 commerce within this state; except that the enforcement personnel  
14 of the division of motor carrier and railroad safety shall be  
15 authorized to enforce those regulations wholly within the  
16 terminals of motor carriers and private carriers by motor  
17 vehicle.

18 390.280. 1. Certificates or permits, or both, which were  
19 issued before January 1, 1995, and which authorized a person to  
20 transport any property in intrastate commerce by motor vehicle as  
21 a common carrier or contract carrier, or both, are void, except  
22 that to the extent such certificates or permits, or portions  
23 thereof, authorized a person to transport household goods over  
24 irregular routes or passengers in intrastate commerce, or any  
25 property or passengers in interstate commerce, those certificates  
26 or permits, or portions thereof, are exempt from the provisions  
27 of this subsection.

28 2. Persons who owned certificates or permits, or both, that

1 were in active status with the division on December 31, 1994, and  
2 persons to whom the division issued certificates and permits  
3 after December 31, 1994, pursuant to emergency rules adopted by  
4 the division, are deemed to be qualified as registered property  
5 carriers, unless the person's certificate or permit has been  
6 suspended, revoked or transferred to another person as provided  
7 by law. A person deemed qualified pursuant to this subsection is  
8 not required to file an application pursuant to section 390.290  
9 to continue providing intrastate transportation as a registered  
10 property carrier, but rather, upon such person's compliance with  
11 the licensing and insurance requirements of the division the  
12 person is deemed to have a property carrier registration in force  
13 as required pursuant to section 390.270, authorizing the person  
14 to transport property except household goods in intrastate  
15 commerce on the public highways, unless the person's property  
16 carrier registration is suspended, revoked or transferred to  
17 another person as provided by law. Within a reasonable time  
18 after August 28, 1996, the division shall issue property carrier  
19 registrations to all persons who are deemed to be qualified as  
20 registered property carriers and deemed to have property carrier  
21 registrations in force pursuant to this subsection.

22 3. Notwithstanding any provision of this section to the  
23 contrary, this section shall not be construed as authorizing any  
24 person to transport any hazardous material as designated in Title  
25 49, Code of Federal Regulations, except hazardous materials which  
26 that person was expressly authorized to transport in intrastate  
27 commerce within this state on August 28, 1996. A person may file  
28 an application for property carrier registration pursuant to

1 section 390.290 to transport additional hazardous materials.  
2 Nothing in this section shall be construed to conflict with  
3 chapter 260, or of relieving an applicant of any duty to obtain a  
4 license pursuant to chapter 260.

5 4. Notwithstanding any provision of the law to the  
6 contrary, any geographic restriction or provision limiting the  
7 carrier's scope of authority to particular routes within this  
8 state contained in a certificate or permit, or both, authorizing  
9 the transportation of household goods in intrastate commerce,  
10 which was issued prior to August 28, 2012, and any similar  
11 provision contained in a carrier's tariff schedule filed prior to  
12 such date, shall be deemed void. In lieu of the geographic  
13 restrictions expressed in such certificates, permits, or tariff  
14 schedules, a motor carrier shall be authorized to provide  
15 intrastate transportation of household goods between all points  
16 and destinations within the state until such time as the  
17 certificates, permits, and tariff schedules are reissued or  
18 amended to reflect the motor carrier's statewide operating  
19 authority. Nothing contained in the provisions of sections  
20 390.051 to 390.116 shall be construed to exempt or to alter the  
21 obligation of compliance by carriers transporting passengers  
22 point-to-point within the jurisdiction described in 67.1802 from  
23 the provisions of sections 67.1800 to 67.1822.

24 544.046. The Nonresident Violator Compact, hereinafter  
25 called "the compact," is hereby enacted into law and entered into  
26 with all other jurisdictions legally joining therein in the form  
27 substantially as follows:

28 Article I

1           (a) The party jurisdictions find that:

2           (1) In most instances, a motorist who is cited for a  
3 traffic violation in a jurisdiction other than his home  
4 jurisdiction:

5           (i) Must post collateral or bond to secure appearance for  
6 trial at a later date; or

7           (ii) If unable to post collateral or bond, is taken into  
8 custody until the collateral or bond is posted; or

9           (iii) Is taken directly to court for his trial to be held.

10          (2) In some instances, the motorist's driver's license may  
11 be deposited as collateral to be returned after he has complied  
12 with the terms of the citation.

13          (3) The purpose of the practices described in paragraphs  
14 (1) and (2) above is to ensure compliance with the terms of a  
15 traffic citation by the motorist who, if permitted to continue on  
16 his way after receiving the traffic citation, could return to his  
17 home jurisdiction and disregard his duty under the terms of the  
18 traffic citation.

19          (4) A motorist receiving a traffic citation in his home  
20 jurisdiction is permitted, except for certain violations, to  
21 accept the citation from the officer at the scene of the  
22 violation and to immediately continue on his way after promising  
23 or being instructed to comply with the terms of the citation.

24          (5) The practice described in paragraph (1) above causes  
25 unnecessary inconvenience and, at times, a hardship for the  
26 motorist who is unable at the time to post collateral, furnish a  
27 bond, stand trial, or pay the fine, and thus is compelled to  
28 remain in custody until some arrangement can be made.

1           (6) The deposit of a driver's license as a bail bond, as  
2 described in paragraph (2) above, is viewed with disfavor.

3           (7) The practices described herein consume an undue amount  
4 of law enforcement time.

5           (b) It is the policy of the party jurisdictions to:

6           (1) Seek compliance with the laws, ordinances, and  
7 administrative rules and regulations relating to the operation of  
8 motor vehicles in each of the jurisdictions.

9           (2) Allow motorists to accept a traffic citation for  
10 certain violations and proceed on their way without delay whether  
11 or not the motorist is a resident of the jurisdiction in which  
12 the citation was issued.

13           (3) Extend cooperation to its fullest extent among the  
14 jurisdictions for obtaining compliance with the terms of a  
15 traffic citation issued in one jurisdiction to a resident of  
16 another jurisdiction.

17           (4) Maximize effective utilization of law enforcement  
18 personnel and assist court systems in the efficient disposition  
19 of traffic violations.

20           (c) The purpose of this compact is to:

21           (1) Provide a means through which the party jurisdictions  
22 may participate in a reciprocal program to effectuate the  
23 policies enumerated in paragraph (b) above in a uniform and  
24 orderly manner.

25           (2) Provide for the fair and impartial treatment of traffic  
26 violators operating within party jurisdictions in recognition of  
27 the motorist's right of due process and the sovereign status of a  
28 party jurisdiction.



1 Article II

2 (a) In the Nonresident Violator Compact, the following  
3 words have the meaning indicated, unless the context requires  
4 otherwise.

5 (b) (1) "Citation" means any summons, ticket, or other  
6 official document issued by a police officer for a traffic  
7 violation containing an order which requires the motorist to  
8 respond.

9 (2) "Collateral" means any cash or other security deposited  
10 to secure an appearance for trial, following the issuance by a  
11 police officer of a citation for a traffic violation.

12 (3) "Court" means a court of law or traffic tribunal.

13 (4) "Driver's license" means any license or privilege to  
14 operate a motor vehicle issued under the laws of the home  
15 jurisdiction.

16 (5) "Home jurisdiction" means the jurisdiction that issued  
17 the driver's license of the traffic violator.

18 (6) "Issuing jurisdiction" means the jurisdiction in which  
19 the traffic citation was issued to the motorist.

20 (7) "Jurisdiction" means a state, territory, or possession  
21 of the United States, the District of Columbia, or the  
22 Commonwealth of Puerto Rico.

23 (8) "Motorist" means a driver of a motor vehicle operating  
24 in a party jurisdiction other than the home jurisdiction.

25 (9) "Personal recognizance" means an agreement by a  
26 motorist made at the time of issuance of the traffic citation  
27 that he will comply with the terms of that traffic citation.

28 (10) "Police officer" means any individual authorized by

1 the party jurisdiction to issue a citation for a traffic  
2 violation.

3 (11) "Terms of the citation" means those options expressly  
4 stated upon the citation.

### 5 Article III

6 (a) When issuing a citation for a traffic violation, a  
7 police officer shall issue the citation to a motorist who  
8 possesses a driver's license issued by a party jurisdiction and  
9 shall not, subject to the exceptions noted in paragraph (b) of  
10 this article, require the motorist to post collateral to secure  
11 appearance, if the officer receives the motorist's signed,  
12 personal recognizance that he or she will comply with the terms  
13 of the citation.

14 (b) Personal recognizance is acceptable only if not  
15 prohibited by law. If mandatory appearance is required, it must  
16 take place immediately following issuance of the citation.

17 (c) Upon failure of a motorist to comply with the terms of  
18 a traffic citation, the appropriate official shall report the  
19 failure to comply to the licensing authority of the jurisdiction  
20 in which the traffic citation was issued. The report shall be  
21 made in accordance with procedures specified by the issuing  
22 jurisdiction and shall contain information as specified in the  
23 Compact Manual as minimum requirements for effective processing  
24 by the home jurisdiction.

25 (d) Upon receipt of the report, the licensing authority of  
26 the issuing jurisdiction shall transmit to the licensing  
27 authority in the home jurisdiction of the motorist the  
28 information in a form and content as contained in the Compact

1 Manual.

2 (e) The licensing authority of the issuing jurisdiction may  
3 not suspend the privilege of a motorist for whom a report has  
4 been transmitted.

5 (f) The licensing authority of the issuing jurisdiction  
6 shall not transmit a report on any violation if the date of  
7 transmission is more than six months after the date on which the  
8 traffic citation was issued unless the motorist was operating a  
9 Commercial Motor Vehicle (CMV) or was a Commercial Driver License  
10 (CDL) holder at the time of the offense.

11 (g) The licensing authority of the issuing jurisdiction  
12 shall not transmit a report on any violation where the date of  
13 issuance of the citation predates the most recent of the  
14 effective dates of entry for the two jurisdictions affected.

#### 15 Article IV

16 (a) Upon receipt of a report of a failure to comply from  
17 the licensing authority of the issuing jurisdiction, the  
18 licensing authority of the home jurisdiction shall notify the  
19 motorist and initiate a suspension action, in accordance with the  
20 home jurisdiction's procedures, to suspend the motorist's  
21 driver's license until satisfactory evidence of compliance with  
22 the terms of the traffic citation has been furnished to the home  
23 jurisdiction licensing authority. Due process safeguards will be  
24 accorded.

25 (b) The licensing authority of the home jurisdiction shall  
26 maintain a record of actions taken and make reports to issuing  
27 jurisdictions as provided in the Compact Manual.

#### 28 Article V

1           Except as expressly required by provisions of this compact,  
2 nothing contained herein shall be construed to affect the right  
3 of any party jurisdiction to apply any of its other laws relating  
4 to licenses to drive to any person or circumstance, or to  
5 invalidate or prevent any driver license agreement or other  
6 cooperative arrangement between a party jurisdiction and a  
7 nonparty jurisdiction.

#### 8                               Article VI

9           (a) For the purpose of administering the provisions of this  
10 compact and to serve as a governing body for the resolution of  
11 all matters relating to the operation of this compact, a Board of  
12 Compact Administrators is established. The board shall be  
13 composed of one representative from each party jurisdiction to be  
14 known as the compact administrator. The compact administrator  
15 shall be appointed by the jurisdiction executive and will serve  
16 and be subject to removal in accordance with the laws of the  
17 jurisdiction he represents. A compact administrator may provide  
18 for the discharge of his duties and the performance of his  
19 functions as a board member by an alternate. An alternate may  
20 not be entitled to serve unless written notification of his  
21 identity has been given to the board.

22           (b) Each member of the Board of Compact Administrators  
23 shall be entitled to one vote. No action of the board shall be  
24 binding unless taken at a meeting at which a majority of the  
25 total number of votes on the board are cast in favor. Action by  
26 the board shall be only at a meeting at which a majority of the  
27 party jurisdictions are represented.

28           (c) The board shall elect annually, from its membership, a

1 chairman and a vice chairman.

2 (d) The board shall adopt bylaws, not inconsistent with the  
3 provisions of this compact or the laws of a party jurisdiction,  
4 for the conduct of its business and shall have the power to amend  
5 and rescind its bylaws.

6 (e) The board may accept for any of its purposes and  
7 functions under this compact any and all donations, and grants of  
8 money, equipment, supplies, materials, and services, conditional  
9 or otherwise, from any jurisdiction, the United States, or any  
10 other governmental agency, and may receive, utilize, and dispose  
11 of the same.

12 (f) The board may contract with, or accept services or  
13 personnel from, any governmental or intergovernmental agency,  
14 person, firm, or corporation, or any private nonprofit  
15 organization or institution.

16 (g) The board shall formulate all necessary procedures and  
17 develop uniform forms and documents for administering the  
18 provisions of this compact.

19 All procedures and forms adopted pursuant to board action shall  
20 be contained in the Compact Manual.

## 21 Article VII

22 (a) This compact shall become effective when it has been  
23 adopted by at least two jurisdictions.

24 (b) (1) Entry into the compact shall be made by a Resolution  
25 of Ratification executed by the authorized officials of the  
26 applying jurisdiction and submitted to the chairman of the board.

27 (2) The resolution shall be in a form and content as  
28 provided in the Compact Manual and shall include statements that

1 in substance are as follows:

2 (i) A citation of the authority by which the jurisdiction  
3 is empowered to become a party to this compact.

4 (ii) Agreement to comply with the terms and provisions of  
5 the compact.

6 (iii) That compact entry is with all jurisdictions then  
7 party to the compact and with any jurisdiction that legally  
8 becomes a party to the compact.

9 (3) The effective date of entry shall be specified by the  
10 applying jurisdiction, but it shall not be less than 60 days  
11 after notice has been given by the chairman of the Board of  
12 Compact Administrators or by the secretariat of the board to each  
13 party jurisdiction that the resolution from the applying  
14 jurisdiction has been received.

15 (c) A party jurisdiction may withdraw from this compact by  
16 official written notice to the other party jurisdictions, but a  
17 withdrawal shall not take effect until 90 days after notice of  
18 withdrawal is given. The notice shall be directed to the compact  
19 administrator of each member jurisdiction. No withdrawal shall  
20 affect the validity of this compact as to the remaining party  
21 jurisdictions.

## 22 Article VIII

23 The provisions of this compact shall not apply to parking or  
24 standing violations, highway weight limit violations, and  
25 violations of law governing the transportation of hazardous  
26 materials.

## 27 Article IX

28 (a) This compact may be amended from time to time.

1 Amendments shall be presented in resolution form to the chairman  
2 of the Board of Compact Administrators and may be initiated by  
3 one or more party jurisdictions.

4 (b) Adoption of an amendment shall require endorsement of  
5 all party jurisdictions and shall become effective 30 days after  
6 the date of the last endorsement.

7 (c) Failure of a party jurisdiction to respond to the  
8 compact chairman within 120 days after receipt of the proposed  
9 amendment shall constitute endorsement.

#### 10 Article X

11 This compact shall be liberally construed so as to  
12 effectuate the purposes stated herein. The provisions of this  
13 compact shall be severable and if any phrase, clause, sentence,  
14 or provision of this compact is declared to be contrary to the  
15 constitution of any party jurisdiction or of the United States or  
16 the applicability thereof to any government, agency, person, or  
17 circumstance, the compact shall not be affected thereby. If this  
18 compact shall be held contrary to the constitution of any  
19 jurisdiction party thereto, the compact shall remain in full  
20 force and effect as to the remaining jurisdictions and in full  
21 force and effect as to the jurisdiction affected as to all  
22 severable matters.

#### 23 Article XI

24 This compact shall be known as the Nonresident Violator  
25 Compact.

26 643.320. 1. The commission shall prescribe the standards  
27 and equipment necessary for an official emissions inspection  
28 station and the qualifications for persons who conduct the

1 inspections, and no applicant for certificate of authorization to  
2 conduct emissions inspections may be approved to operate an  
3 official emissions inspection station until the applicant meets  
4 the standards and has the required equipment and qualified  
5 inspectors as prescribed by the commission. An official  
6 emissions inspection station shall maintain liability insurance  
7 at all times to cover possible damage to vehicles during the  
8 inspection process as a condition of operating an official  
9 emissions inspection station. The commission shall establish  
10 standards and procedures to be followed in the making of  
11 inspections required by sections 643.300 to 643.355 and shall  
12 prescribe rules for the operation of emissions inspection  
13 stations.

14 2. The application for a certificate of authorization to  
15 operate as an official emissions inspection station shall be made  
16 to the commission on a form furnished by the commission. The  
17 application shall be accompanied by a fee established by the  
18 commission by rule, but in no case shall the fee exceed one  
19 hundred dollars. The certificate of authorization shall be  
20 renewed annually on the date of issue. All fees shall be payable  
21 to the director of revenue and shall be deposited by the director  
22 of revenue in the state treasury to the credit of the Missouri  
23 air emission reduction fund established under section 643.350.

24 3. The commission or its designee shall cause unannounced  
25 inspections to be made of the operation of each emissions  
26 inspection station at least once during each calendar year. The  
27 inspection may include submitting a known high emission vehicle  
28 for inspection without prior disclosure to the inspection



1 station. At any time the commission or its designee shall have  
2 reason to believe that any person has violated any provisions of  
3 the provisions of sections 643.300 to 643.355 or the rules  
4 promulgated thereunder, the commission or its designee shall  
5 refuse to issue or shall revoke or suspend any certificate of  
6 authority under this section. The suspension or revocation of a  
7 certificate of authority shall be in writing to the operator,  
8 inspector, or the person in charge of the emissions inspection  
9 station. Before suspending or revoking the certificate of  
10 authority to conduct emissions inspections, the commission or its  
11 designee shall serve notice in writing by certified mail or by  
12 personal service to the inspection station at the operator's  
13 address of record giving the permittee the opportunity to appear  
14 in the office of the commission on a stated date, not less than  
15 ten nor more than thirty days after the mailing or service of the  
16 notice, for a hearing to show cause why the inspection station's  
17 certificate of authority should not be suspended or revoked. An  
18 inspection station owner or an inspector may appear in person or  
19 by counsel in the office of the commission or its designee to  
20 show cause why the proposed suspension or revocation is in error,  
21 or to present any other facts or testimony that would bear on the  
22 final decision of the commission or its designee. If the  
23 operator, owner, or inspector does not appear on the stated day  
24 after receipt of notice, it shall be presumed that such party  
25 admits the allegations of fact contained in the hearing  
26 notification letter. The decision of the commission or its  
27 designee may in such case be based upon the written reports  
28 submitted by the commission's officers. The order of the

1 commission, specifying his findings of fact and conclusions of  
2 law, shall be considered final immediately after receipt of  
3 notice thereof by the inspection station.

4 4. The department may require emissions inspection stations  
5 to furnish reports, upon forms furnished by the department for  
6 that purpose, that the department considers necessary for the  
7 administration of sections 643.300 to 643.355.

8 5. The commission may impose alternative administrative  
9 enforcement mechanisms in lieu of suspending or revoking a  
10 certificate of authority. Such alternative administrative  
11 enforcement mechanisms may include, but not be limited to,  
12 requiring inspectors to successfully complete a  
13 commission-approved retraining program. The commission also may  
14 require any individual who has his or her certificate of  
15 authority suspended to undergo remedial retraining as a condition  
16 of removing such suspension.

17 6. The commission shall design and furnish each official  
18 emissions inspection station, at no cost, one official sign made  
19 of metal or other durable material to be displayed in a  
20 conspicuous location to designate the station as an official  
21 emissions inspection station. Additional signs may be obtained  
22 by an official inspection station for a fee equal to the cost to  
23 the state. Each official emissions inspection station shall also  
24 be supplied with one or more posters which must be displayed in a  
25 conspicuous location at the place of inspection and which informs  
26 the public that required repairs or corrections need not be made  
27 at the inspection station.

28 Section B. Because of the need to ensure that out-of-state

residents are knowledgeable in the safe operation of vessels, the repeal and reenactment of section 306.127 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 306.127 of this act shall be in full force and effect upon its passage and approval.

Section C. The repeal and reenactment of section 302.700 and the enactment of section 302.768 of this act shall become effective on the date the director of the department of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768, or on May 1, 2013, whichever occurs first. If the director of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768 prior to May 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

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